



**HAMPDEN TOWN COUNCIL
FY24 BUDGET WORK SESSION
SPECIAL WORKSHOP MEETING
HAMPDEN MUNICIPAL BUILDING
AGENDA**

WEDNESDAY

May 3, 2023

6:00 P.M.

1. Call to Order
2. Review of Town Manager FY24 Budget
 - a. Administration
 - b. General Assistance
 - c. Elections
 - d. Town Council
 - e. Outside Agencies
 - f. County Tax
3. Zoning Ordinance Review
4. Adjourn

The next budget meeting will be held on Monday May 8th at 6:00 p.m.

FOR THOSE THAT WISH TO JOIN IN THE
REMOTE HAMPDEN TOWN COUNCIL FY 24
BUDGET MEETING & SPECIAL WORKSHOP
ON MAY 03, 2023 AT 6:00 PM YOU MAY
PHONE IN USING THE FOLLOWING NUMBER
(FOLLOWED BY THE PIN #)

1-978-593-3347 PIN 770 110 595#

OR-

FROM A LAPTOP OR A DESKTOP, YOU MAY GO
TO THIS URL: <https://meet.google.com/tqd-zxsf-mkr?hs=122&authuser=0> AND JOIN
US THAT WAY

**INSTRUCTIONS ARE POSTED WITH THE AGENDA
AND SEPARATELY ON THE TOWN CALENDAR AT
WWW.HAMPDENMAINE.GOV**

Using Google Meet to Participate in Hampden Town Council Remote Meetings

How to join:

1. Town Council members will receive an email or a Google Calendar Invite with a link to join the meeting.
2. People interested in joining will need to go to the link posted on the town events calendar at www.hampdenmaine.gov.
3. Anyone can also join for audio-only participation by calling the number provided on the town events calendar and then entering the PIN provided followed by the # symbol.

Protocols for Remote Meetings:

1. Log in or call in at least 5 minutes before scheduled start of meeting.
2. For the audio portion, use either your phone or your computer microphone, not both.
3. Mute your phone or computer mic unless speaking. Remember to un-mute if you want to speak. To mute or unmute in Google Meet, click on the little microphone icon at the bottom of the screen; note you may need to move your mouse pointer around the bottom of your screen to get the bottom bar to appear.
4. Speak up if using a computer microphone or if using the speaker function on your telephone.
5. Do not rustle papers in front of your mic unless it's muted. Please minimize background noise.
6. If you're referring to a document, identify it including page or sheet number.
7. If using the video function, have a light source in front of you if possible. Try to avoid backlighting.
8. If you want to look good, have your camera mounted at eye level or above. Look at yourself on screen to check the lighting, camera position, what's in the background, etc. In Google Meet, you can do this "video check" when you open the program before you join the meeting.
9. If you are participating by audio only, identify yourself when speaking.
10. ALL votes will be by roll call.
11. After the meeting is adjourned, click on the red phone icon on the bottom bar to leave the meeting, or (obviously) just hang up the phone if that is how you are participating.

For detailed instructions on using Google Meet, please refer to their website:

support.google.com/a/users/answer/9282720?hl=en



Memorandum

TO: Town Council
FROM: Paula Scott, Town Manager
DATE: April 28, 2023
RE: Zoning amendments/legal opinion

Following this memo, you will find the red-lined version of the zoning ordinance that was in the packet on November 14th at which time the ordinance was amended. A summary of the amendments that were specifically called upon by Councilors are as follows:

1. Section 3.2.3 Animals as usual pets: There's a clause after a colon and the first sentence where it cites "There is no limitation on the number of fish, and the limit on hen chickens is increased to six" the amendment would change that clause to, "There is no limitation on the number of fish or the number of hen chickens."
2. Section 3.2.13 Community Building: It states currently "Must be connected to public water and sewer facilities" the amendment would change that to, "Must be connected to any available public water and sewer facilities."
3. Section 3.2.14 Place of Worship: which currently states "Facilities must be connected to public water and sewer facilities and have direct access to a major collector or an arterial Street" the amendment would change that to, "Facilities must be connected to any available Public Water and Sewer facilities and have direct access to a major collector or an arterial Street."
4. Section 4.7.1.6 Parking Area Design and Location, subsection 7.4: The amendment would add the wording "and trees" and would read "A bioswale may be constructed in lieu of a traffic island and trees...."

Multi-family developments in the Rural District were removed in that suite of amendments approved by the Council at this same public hearing. The specific language was presented to Council at the September 26th workshop, along with the others, and was simply the change in the Use Table from Permitted to Not Permitted.

The road discussion was held at the September 12th workshop. The proposal was to eliminate the provision of paper roads because staff finds these roads pose significant safety risks for EMS, and individuals were abusing the provision to create subdivisions without creating proper roads to service them. The resulting amendment changed the definition what is highlighted below:

Road or street: Shall mean a right-of-way in the Town of Hampden intended for motorized traffic which is one of the following:

- a) Maintained by the Town of Hampden, the County of Penobscot, or the State of Maine.

b) Is shown on and has been constructed in accordance with a plan of a subdivision which has been duly approved by the Hampden Planning Board and recorded in the Penobscot County Registry of Deeds and has not been vacated as a result of 23 M.R.S.A. §3032, 23 M.R.S.A. §3031, 23 M.R.S.A. §3027, or 23 M.R.S.A. §3027-A.

c) Is a private road, owned, established, and maintained by an individual, corporation, or any group such as but not limited to a property owner's association and shown on a plan which has been recorded at the Penobscot County Registry of Deeds, provided no more than two primary structures (e.g. houses) obtain their frontage from the private road right-of-way, and that legal access to the lot(s) exists elsewhere (e.g. in a deeded access easement across another lot).

Regarding the legal opinion, in a nutshell, in order to follow proper procedure within not only the Zoning Ordinance, but also statute and the Town Charter, whatever proposed amendments that Council wishes to make on the previously amended version from November of 2022 needs to be referred back to the Planning Board for their consideration and public hearing. By statute, only the Planning Board is required to hold a public hearing, unless a town doesn't have one, and then it is the elected officials that must hold one. In Hampden, however, the Charter requires a Council public hearing for ordinance amendments, so whatever proposed amendments anyone may have cannot be changed just by a vote at a regular Council meeting. I have included the email thread with legal for your information.

TOWN OF HAMPDEN, MAINE

ZONING ORDINANCE

Adopted by Referendum

March 13, 1979

As Amended

Effective Date: March 9, 2022

ARTICLE 3 – DISTRICT REGULATIONS

3.1 Use Designations

3.1.1 Principal Uses – The principal use is the primary use on a parcel or site, and are allowed in each zoning district as specified in the Use Table. Designations in the Table are as follows:

- 3.1.1.1. Uses Permitted By Right: “P” indicates that a use is allowed by right in the district.
- 3.1.1.2. Conditional Uses: “C” indicates that a use is allowed only if approved by the Planning Board, in accordance with the conditional use permit procedures of § 4.2. All conditions listed in the applicable sub-section of §3.2 must be met for a permit to be granted. The proposal must comply with the performance standards in §4.4 for a permit to be granted.
- 3.1.1.3. Uses Not Permitted: “N” indicates that a use is not allowed in the district. Any use not specifically or generically listed in the Use Table is deemed as prohibited. However, the Board of Appeals may determine, upon an application for appeal, that a specific use that is not listed in the Use Table is allowed due to similarity to one or more other uses that are allowed, and the unlisted use must be the same as the listed use (by right or conditional).

Refer to §4.1, Site Plan Review, to determine if a particular project requires review and approval; the Use Table deals with uses and not with design issues.

3.1.2 Accessory Uses – An accessory use is one that is subordinate to the principal use.

3.1.3 Use Table – See on next page.

3.2 Specific use standards.

The following standards must be met for the particular use to be approved by the permitting authority (Planning Board, Staff Review Committee, or Code Enforcement Officer). Note, the numbers in parenthesis refer to the item numbers in the Table of Uses.

3.2.1 Multi-Family Developments (B-3) ~~and cluster developments (B-5)~~ that include multi-family buildings:

- 3.2.1.1 All multi-family dwellings must be connected to public water and sewer service if available within 500’ of the parcel. In cases where connection to either service cannot be made, the applicant must submit data to prove that water supply and on-site sewage disposal systems can be installed in compliance with the applicable regulations. When on-site sewage disposal is used, a survey plan must be submitted for review and recorded at the registry of deeds showing the location of the on-site sewage disposal system and any required replacement system area. When the service line is within 500’ but the cost to connect, due to physical conditions on or in the ground, render the project financially unfeasible, the permit granting authority may approve a project with on-site water supply or sewage disposal instead of requiring connection to the public system.
- 3.2.1.2 No multi-family building may contain more than ten dwelling units, except in the Rural district where the limit is ~~four~~ two dwelling units in a single ~~building/structure~~.
- 3.2.1.3 Multi-family developments must provide a minimum of 40% of the parcel as permanent open space, ~~except in cluster developments where the provisions of §4.6.2 apply.~~
- 3.2.1.4 The minimum distance between multi-family buildings is 20’, except when the facing wall in one building has a window into a dwelling unit, in which case the distance is increased to 35’, or when the facing walls in both buildings have a window into a dwelling unit, in which case the distance is increased to 50’.

- 3.2.1.5 All parking areas for multi-family dwellings must be located to the side or rear of the building unless the Planning Board makes a finding that a different location would be beneficial to the abutters.
- 3.2.2 **Lodging or Rooming House (B-4):** Limited to a maximum of ten residents in addition to the propertyowner or resident manager's family, and all required parking shall be provided on-site.
- 3.2.3 **Animals as usual pets (B-ACC-6):** In all districts, no more than five animals of one species and no more than ten animals overall may be kept on a property, with two exceptions: there is no limitation on the number of fish, and the limit on hen chickens is increased to six. Notwithstanding these limits, properties in the Rural district which are at least 5 acres may have an unlimited number of animals.
- 3.2.4 **Animals other than usual pets (B-ACC-7):** ~~No more than five animals of one species are allowed in~~ any district where allowed by Conditional Use, ~~provided the property must be~~ a minimum of 2.5 acres ~~and there must be a 50 foot minimum setback from the property lines to any structure, pen, pasture, or other open area where the animals are kept or allowed to roam.~~ Notwithstanding these limits, properties in the Rural district which are at least 5 acres may have an unlimited number of animals, ~~provided the minimum setback is increased to at least 100 feet.~~
- 3.2.5 **Schools, K-12 and Post-Secondary (C-4 and C-5):** Must be connected to public water and sewer facilities and have direct access to an arterial street. Where abutting a residential use or district, the required other yard(s) setback must be increased by 50% along the applicable lot lines.
- 3.2.6 **School, Commercial (C-6):** Any school facility that requires the operation of large vehicles or equipment (e.g. tractor-trailer trucks, earth-moving equipment) must be located in the Industrial or Industrial 2 district.
- 3.2.7 **Nursing Home (D-1):** Must be connected to public water and sewer facilities and have direct access to an arterial street. Limited to a density of 25 beds per acre. Where abutting a residential use or district, the required other yard(s) setback must be increased by 50% along the applicable lot lines.
- 3.2.8 **Congregate Care Facility (D-2):** Must be connected to public water and sewer facilities and have direct access to an arterial street. In the Residential A or B districts, limited to a density of 5 units per acre unless located within a cluster development in which case the density may be increased to a maximum of 10 units per acre. Where abutting a residential use or district, the required other yard(s) setback must be increased by 50% along the applicable lot lines.
- 3.2.9 **Adult Day Services (D-3):** A group program designed to meet the needs of adults who may need socialization, supervision, support services, or assistance with activities of daily living and/or health monitoring. All Adult Day Service facilities shall be licensed pursuant to MRSA 10-144, Chapter 117.
- 3.2.10 **Public or Private Utility that is not Essential Service (E-2):** In the Residential A or B districts, a Class I Buffer must be installed around any portion of the utility that sits above ground. Any lighting must be downcast and designed to prevent glare or light trespass onto any abutting property.
- 3.2.11 **Municipal Solid Waste Facility (E-4):** In the Rural district, only facilities owned by the Town of Hampden are allowed.
- 3.2.12 **Community Facility (E-5):** In the Residential A district, storage and maintenance facilities are not allowed as the principal use of a site.
- ~~3.2.13 **Community Building (E-6):** Must be connected to the public water and sewer facilities, and have direct access to an arterial street. Where abutting a residential use or district, the required other yard(s) setback must be increased by 50% along the applicable lot lines, except for community buildings existing on July 1, 2018. In the Residential A or B districts, a Class III Buffer must be installed along all lot lines abutting a residential use.~~

~~3.2.13~~

Community buildings in the Residential A or Residential B districts of which portions are occupied by qualified community educational, fraternal, cultural and recreational activities such as an auditorium, library, historical building, lodge, indoor swimming, performing arts, etc. may also infill their vacant space with low-traffic uses including, but not limited to such as a single residential apartment unit, business or professional offices, a single storage space consisting of records management, and other similar uses as determined by the ~~Code Enforcement Officer~~ Code Enforcement Officer. -
Nonresidential infill uses may not be open between the hours of 9:00 pm

you shall arrange to return												
B.M.		H	L	M	N	O	P	Q	R	S	T	U

7. Summary Table (to be completed)												
21		C	H	M	V	L	C	H	F	F	F	F
22		C	H	M	V	L	C	H	F	F	F	F
23		C	H	M	V	L	C	H	F	F	F	F
24		C	H	M	V	L	C	H	F	F	F	F

Footnote
 1. Specific uses listed in the table of uses that shall also be designated as light industry shall be regulated under the specific use.
 2. Specific uses listed in the table of uses that shall also be designated as heavy industry shall be regulated under the specific use.

And it shall be the duty of the Planning Commission to determine whether the proposed use shall be allowed in the district in which it is proposed. In the event the Planning Commission determines that the proposed use shall be allowed in the district in which it is proposed, the Planning Commission shall also determine whether the proposed use shall be allowed in the district in which it is proposed. In the event the Planning Commission determines that the proposed use shall be allowed in the district in which it is proposed, the Planning Commission shall also determine whether the proposed use shall be allowed in the district in which it is proposed.

- 3.2.14 Place Of Worship (F-1):** Facilities must be connected to the public water and sewer facilities and have direct access to a major collector or an arterial street.
- 3.2.15 Non-Profit Club (F-2):** In the Residential A district must be located within an existing building, although additions and alterations are allowed. In all districts where allowed, facilities for more than 49 occupants must be connected to the public water and sewer facilities and have direct access to a major collector or an arterial street. Where abutting a residential use or district, the required other yard(s) setback must be increased by 50% along the applicable lot lines.
- 3.2.16 Retail Sales (G-1):** In the Rural Business district, only small scale retail sales that are meant to serve the needs of the rural residents are allowed (e.g. convenience store). In the Town Center district, outdoor display of goods is limited to seasonal items and is limited to an area no larger than 5% of the gross floor area of the retail portion of the building. In the Business or Business B districts, shopping centers must provide accommodations for pedestrians, bicyclists, handicap accessibility, and public transportation.
- 3.2.17 Antique Dealership (G-2):** In the Rural district, antique dealership is an allowed use on a property that has a residential use without the necessity to meet the requirements of §4.10, Use of Residence for Business Purposes. Proposals must comply with §4.7, Design Standards.
- 3.2.18 Kennel (G-6):** All buildings and enclosures where animals are kept must be located at least 50 feet from any lot line, and where abutting a residential use there must be a Class I Buffer established within that setback area unless the area has existing vegetation that meets the intent of the Class I Buffer.
- 3.2.19 Veterinary Hospital (G-7):** Any outdoor enclosure where animals are kept must be located at least 50 feet from any lot line abutting a residential use or district, and there must be a Class I Buffer established within that setback area unless the area has existing vegetation that meets the intent of the Class I Buffer.
- 3.2.20 Automotive Fuel Station (G-8):** The site design must accommodate vehicle queuing for a minimum of the same number of vehicles as there are dispensing stations (pumps, electrical outlets, and the like). There must also be space available for vehicles to bypass the dispensing stations.
- 3.2.21 Automotive Service (G-10):** In the Rural Business and Town Center districts, repair activities must be conducted entirely within a building and disassembled vehicles may not be stored outdoors. For proposals within those two districts, in consideration of nearby uses the Planning Board may require such buildings to be sound-insulated and designed to protect the neighborhood from vehicle exhaust and other by-products of vehicle servicing.
- 3.2.22 Inn (G-12):** No more than ten guest rooms may be included in an Inn, and all required parking must be located on the site. Facilities with more than ten guest rooms are classified as a Hotel.

3.2.23 Restaurant/ Food Service/ Drive-Through (G-15): See §3.2.21, Building Planning, §§2.2.22, 4, and 5.

3.2.23

3.2.24 Restaurant, high turnover (G-16): ~~Repealed [Date]~~ The sale or consumption of alcoholic beverages is prohibited. See also §3.2.37, Outdoor dining.

3.2.25 Restaurant, drive-in or drive-through (G-17): ~~Repealed [Date]~~ Must be located on a lot having a minimum lot size of 1.5 acres, minimum frontage of 200 feet and no part of the vehicle queue may be located within 100 feet of a residential dwelling. The sale or consumption of alcoholic beverages is prohibited. See also §3.2.37, Outdoor dining.

~~In the Town Center district, the drive-through window and vehicle queue lanes must be screened from view of adjacent residential dwellings through the use of plantings, fences, or walls. Sidewalks must be built along the public right-of-way as well as into the site, and must be designed with a minimum four-inch vertical separation from the driveway level, and where feasible, a landscaped strip should be provided between the driveway and sidewalk.~~

3.2.25

3.2.26 Bar, pub, tavern (G-18): ~~Repealed [Date]~~ Must be located a minimum of 500 feet from any residential dwelling except in the Town Center District where that distance is reduced to 100 feet from any residential dwelling within the Town Center district and 200 feet from any residential dwelling within any other district; this measurement is made from building to building. In the Town Center district, limited to a maximum gross floor area of 2,000 square feet.

3.2.27 Funeral home (G-20): Must be connected to the public water and sewer facilities and have direct access to an arterial street. Where abutting a residential use or district, the required other yard(s) setback must be increased by 50% along the applicable lot lines.

- 3.2.28 Drive-Through Business (G-22):** ~~1 - A Drive-Through Business~~ No part of the vehicle queue may be located within ~~50-100~~ feet of a residential property. The drive-through window and vehicle queue lanes must be screened from view of adjacent residential dwellings using a Class 1 buffer (see §4.7.2.4 Classification of Buffers) ~~through the use of plantings, fences, or walls~~. Sidewalks must be built along the public right-of-way as well as into the site, and must be designed with a minimum four inch vertical separation from the driveway level, and where feasible, a landscaped strip should be provided between the driveway and sidewalk.
- 3.2.29 Mixed residential/commercial use (G-23):** In the Business district, limited to a maximum of four dwelling units per building. In the Rural Business and Business B districts, limited to a maximum of four dwelling units per site.
- 3.2.30 Business park (G-24):** A master plan prepared by a State of Maine registered engineer, landscape architect, or architect, must be submitted to the Planning Board as part of the subdivision review and approval process. The master plan shall indicate the full build-out of the park including parcel lines, potential curb cuts, building footprints, impervious surfaces, stormwater management, and common open spaces. The submittal must include proposed covenants and any architectural guidelines.
- 3.2.31 Outdoor storage (G-26):** In the Rural district, limited to storage of materials, products, or equipment associated with forestry, logging, lumber operations, wood processing, or similar activities involving wood. In all districts where allowed, outdoor storage areas must be screened from view from public roads and from residential uses using a Class 1 buffer (see §4.7.2.4 Classification of Buffers).
- 3.2.32 Industrial uses (H):** All industrial uses, whether allowed by right or by Conditional Use, must comply with the Performance Standards in §4.4.
- 3.2.33 Processing (H-5):** In the Industrial Park district, rendering ~~plants~~ facilities are prohibited.
- 3.2.34 Light industrial operations (H-9):** In the Commercial Service district, limited to a maximum of 10,000 square feet.
- 3.2.35 River-dependent uses (H-10):** For lots with a minimum of five acres, there is no maximum building height requirement.
- 3.2.36 Outdoor storage as an accessory use to non-residential uses (I-1):** In the Rural, Business, and Business B districts, the area used for outdoor storage must be screened from view from public roads and from residential uses. In the Industrial Park district, the area used for outdoor storage must be on the rear two-thirds of the property and screened from public roads and residential uses, except in circumstances where the Planning Board determines that a different location will result in safer on-site circulation, a more efficient use of the land, or will be better for the environment, and will not have an adverse impact on any abutting property or the appearance from public roads or residential uses. In all other districts where allowed, outdoor storage areas in excess of 5,000 square feet must be screened from public roads and from residential uses.
- 3.2.37 Living quarters for personnel (I-2):** No more than one dwelling unit is allowed on a site.
- ~~3.2.38~~ **Outdoor dining (I-3):** Areas proposed for outdoor dining must be clearly delineated on a site plan, and when consumption of alcoholic beverages is proposed, must be controlled by barriers and by signs prohibiting consumption of alcoholic beverages beyond the barriers, per M.R.S.A. Title 28-A. On lots abutting residential uses, the outdoor dining area must be screened from existing residential uses using a Class 1 buffer (see §4.7.2.4 Classification of Buffers) ~~with a Class 1 Buffer, unless located where there will be minimal impact on the residential use.~~
- 3.2.38
~~3.2.39~~
3.2.40 3.2.39 **Retail sales as an accessory use to non-residential uses (I-4):** In the Rural district, limited

3.3 Temporary Uses.

3.3.1 **Temporary Event.** Any use associated with a temporary event, such as a fair, shall not be subject to the restrictions of this Zoning Ordinance provided the use has been duly permitted by the appropriate authority.

3.3.2 **Temporary housing unit** on parcel with a damaged home or on a vacant parcel. The ~~Code Enforcement Officer~~ Code Enforcement Officer may approve the placement of a manufactured home (including a mobile home) on the same parcel as a residence which has been rendered uninhabitable, for the occupancy of the property owner during construction of a new or reconstruction of a damaged home or on a vacant parcel when a new home is to be constructed. The manufactured home shall not be occupied or left onsite for a period greater than 12 months, with no option for renewal or extension. The manufactured home may be placed within required setback areas but not closer than five feet from the property line if absolutely necessary to avoid conflict with the construction or reconstruction of the permanent residence. The manufactured home shall be in compliance with all applicable regulations for water supply and sewage disposal. The manufactured home shall be removed from the property within 30 days of the issuance of the Certificate of Occupancy for the permanent residence, or at the end of the abovementioned 12 month period, whichever comes first.

3.3.3 **Occupancy of an existing ~~single family dwelling~~ single dwelling unit** during construction of a new ~~single family dwelling~~ single dwelling unit on the same parcel is allowed for a period to be determined by the ~~Code Enforcement Officer~~ Code Enforcement Officer based on a construction schedule to be submitted with the application for the building permit. The permit shall specify the timeframe within which the existing ~~single family dwelling~~ single dwelling unit shall be removed.

3.4 Dimensional Requirements

3.4.1 Table of Dimensional Requirements

Zoning District		Min. Lot Area	Max. Gross Density (DU/AC)	Min. Road Frontage	Min. Setback, Street Yard	Min. Setback, Other Yards	Max. Building Coverage	Max. Impervious Surface	Max. Building Height	
Residential Districts	Rural	2 AC	0.50	200'	30'	30'	15%	25%	35'	
	Residential A									
	Public Sewer	18,000 SF	2.42	125'	25'	20'	20%	40%	35'	
	On-Site Waste Disposal	30,000 SF	1.45	150'	30'	30'	20%	40%	35'	
	Residential B									
	Public Sewer	16,500 SF	2.64	100'	25'	20'	25%	40%	35'	
	On-Site Waste Disposal	25,000 SF	1.74	125'	30'	30'	25%	40%	35'	
Seasonal	25,000 SF	2.18	100'	25'	25'	20%	20%	35'		
Business Districts	Rural Business	2 AC		200'	30'	30'	25%	50%	35'	
	Town Center	10,000 SF	4.00	50'	0'	0'	50%	75%	35'	
	Business	12,500 SF		75'	35'	20'	20%	40%	35'	
	Business B	1 AC		100'	30'	15'	20%	40%	35'	
	Commercial Service	20,000 SF		100'	40-30'	20-10'	25-30%	50%	35'	
	Waterfront 1	20,000 SF		None	10'	10'	50%	75%	35'	
	Interchange	1 AC		200'	30'	20'	40%	60%	50'	
Ind.	Industrial Park	1 AC		50'	20'	20'	30%	70%	45'	
	Industrial	2 AC		150'	50'	35'	25%	50%	45'	
	Industrial 2	None		50'	10'	10'	30%	70%	45'	

Note: For single dwelling unit and two-family structures, which are to be treated as a single unit, for multi-family development refer to §3.4.2.2.

3.4.2 Special Provisions:

3.4.2.1 Detached Accessory Structures are subject to the following dimensional requirements:

Accessory Structure Type		Zoning District / Setback (FT)					
Size	Square Feet (SF)	Rural	Residential A	Residential B	Seasonal	Town Center	All Other Districts
Small	<200 SF	10'	10'	10'	10'	0'	20'
Medium	201-599 SF	15'	10'	10'	10'	0'	20'
Large	>600 SF	30'	25'	25'	25'	0'	20'

Note: Accessory Dwelling Units are subject to the Dimensional Requirements in §3.4.1.

3.4.2.1

3.4.2.2 Multi-Family Developments:

- Multi-family developments in the Rural district may have a maximum gross density of 2 dwelling units per acre (DU/AC).
- Multi-family developments in all other permitted districts may have a maximum gross density of 8 DU/AC dwelling units per acre except in the Rural district where the density is limited to 2 dwelling units per acre.
- In the Residential B district, the other yard setback requirement is increased by 2 feet per unit over 4 units, counted and measured by each building.

3.4.2.3 In subdivisions in the Rural district, the required frontage for lots fronting on a cul-de-sac maybe reduced to 40-75 feet provided the front setback is increased to 60 feet.

3.4.2.4 In the Residential B district, existing lots of record as of July 1, 1991 with less than 100' of frontage may be developed for a single dwelling unit and accessory structures with minimum side yard setbacks of 10'. Lots with between 100' and 120' frontage must have side setbacks of 10'+ 0.5' for each foot of frontage over 100'.

3.4.2.6 In the Business B district:

1. Existing lots of record as of July 1, 2014 with less than 100' of frontage with existing structures served by public sewer may have a minimum other yard setback of 10'.
2. For lots abutting a Residential A or Residential B district, the setback requirement from that boundary is a minimum of 30'.

~~3.4.2.7 In the Town Center district, the minimum other yard setback is increased to 30' where a proposal abuts a residential use or district and involves a building with a footprint greater than 10,000 square feet or an automobile service use, regardless of building size.~~

~~3.4.2.7~~ **3.4.2.7 In the Waterfront district, since there is no frontage requirement, all new lots must have access to a paved public right-of-way wide enough to accommodate two-way traffic plus utility services, which connects to a public way.**

~~3.4.2.8~~ **3.4.2.8 In the Industrial 2 district:**

1. In lieu of frontage on a public street, an unobstructed access easement or private right-of-way which is a minimum of 50' in width the entire length may be used for access to a public street.
2. No buildings may be constructed within 300' of the Route 202 right-of-way.

~~3.4.2.10~~ **In any district, any structure which requires access to rail service is not required to be set back from the railroad siding (applicable where the rail siding is on a separate parcel of land).**

4.3. Alternate Frontage Lots Repealed [Date]

~~4.3.1 Purpose~~ It is the purpose of this section of the Ordinance to establish a procedure which would allow for residential development on certain lots which, because of inadequate road frontage, would not otherwise be usable for residential purposes. The lots must meet certain requirements as established in this section of the Ordinance and the development of the lots must be consistent with wise land-use planning. This section applies to both existing lots and newly created lots.

~~4.3.2 Application Procedure~~ Application for the development of lots under this section shall be made by filing the required building permit application with the Code Enforcement Officer. The application must include plans, drawn to scale, containing the following information:

~~4.3.2.1~~ Scale of map;

~~4.3.2.2~~ Name of applicant;

~~4.3.2.3~~ Boundaries of tract of land;

~~4.3.2.4~~ Location of existing and proposed buildings and other structures, including use and proposed use thereof;

~~4.3.2.5~~ Location of buildings on abutting properties or within 500 feet of the property line of the proposed development;

~~4.3.2.6~~ Location of existing public streets;

~~4.3.2.7~~ Location of all curb cuts within 500 feet of the curb cut which will result from the development of the lot;

~~4.3.2.8~~ Location of existing and proposed rights-of-way, utilities and easements therefor, including sanitary sewerage, water and all electricity;

~~4.3.3 Approval Standards~~ A building permit may only be issued if the following conditions are met:

~~4.3.3.1~~ The lot is of such dimensions that an imaginary square with minimum side dimensions of 200 feet can be accommodated within its borders. Any building that is located on the lot shall be located within the perimeter of such a square;

~~4.3.3.2~~ No building shall be placed closer to any lot line or right-of-way boundary than 30 feet. No primary building shall be less than 100 feet from existing dwellings;

~~4.3.3.3~~ The development of the lot shall cause no unsafe or unhealthful condition. Of particular concern in this regard should be traffic safety;

~~4.3.3.4~~ The lot shall conform to all dimensional requirements of this Ordinance except road frontage;

~~4.3.3.5~~ Only single-family residential uses shall be allowed on these lots;

~~4.3.3.6~~ The development of the lot shall not preclude the orderly development of the neighborhood and the community;

~~4.3.3.7~~ The lot must have at least 60 feet of road frontage;

~~4.3.3.8~~ Building permits can be issued for existing lots fronting on the cul-de-sac portion of a subdivision provided the standards in this §4.3.3 are met. Lots within proposed subdivisions in the Rural district must meet the frontage requirements of §3.4.1 or §3.4.2.3.

4.3.3.9 - No more than one dwelling unit may be placed on the lot.

4.4. Performance Standards

4.4.1. Odorous Matter - ~~No development in any district may generate any odor that reaches the odor threshold, measured at the lot line of the enterprise generating the odor, of a Dilution-to-Threshold (D/T) of seven (7) using a field ofactometer.~~

~~4.4.1.1 For the purpose of this standard, the term "odor threshold" is defined as the minimum concentration in air of a gas, vapor, or particulate matter that can be detected by the abutters of the property in question.~~

~~4.4.1.2 Whether or not an odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivity. The use of a field ofactometer may be used for documentation, verification, and enforcement as needed. A measurement reading of seven (7) D/T or less shall be maintained at the property line.~~

~~4.4.1.3 Farming operations are subject to the requirements stated in Title 7 M R S A, §153.~~

~~4.4.1.4.1.4 The Code Enforcement Officer, and/or their official designee, shall enforce the provisions of this section. Upon receipt of three (3) different complaints within any seven-day period, the Code Enforcement Officer shall investigate the issue and enforce any violations in accordance with §5.4 of this Ordinance. The emission of odorous or toxic matter in such quantities as to be readily detectable at any point along lot lines so as to produce a public nuisance or hazard is prohibited. Such activities as might produce such emission, or which might produce smoke, dust, or other particulate matter, shall comply with applicable minimum Federal, State and local requirements and detailed plans for abatement shall be submitted to the code enforcement officer for approval before a building permit is granted. Violations of this standard shall be considered a public nuisance.~~

4.4.2. Electromagnetic Interference - ~~Any activity or process. No use, activity, or process shall be conducted which produces electromagnetic interference in the transmission or reception of electrical impulses beyond the lot line, including radio and television. Provided that wireless telecommunications facilities as defined in §7.2 shall be subject to Federal Communications Commission (FCC) requirements, and State and Federal provisions that not to provisions of this section with respect to govern the environmental or public health effects of electromagnetic or radio frequency emissions.~~

4.4.3. Fire Safety - All uses, activities, structures, and processes shall comply with applicable Federal, State and local fire safety standards. Upon request of the Code Enforcement Officer, detailed plans for fire safety shall be submitted for approval before a building permit is granted.

~~4.5.5.5~~

~~4.6. Cluster Housing~~ — In order to promote the health and general welfare of the community and to preserve and make available open space for recreation, agriculture, and conservation, the Planning Board may grant a developer permission to vary the dimensional requirements of §3.4 in districts in which cluster development is allowed, thus leaving a substantial area free of building sites to become permanent open space. To promote creative designs that will enhance the natural features of the site, individual building lots are not permitted except for single family developments when such lots are optional.

~~4.6.1. Uses Allowed~~

- ~~4.6.1.1~~ — Residential uses as allowed in the Table of Uses for the district in which it is being proposed and subject to §3.2.1 for cluster projects that include multi-family;
- ~~4.6.1.2~~ — Uses accessory to residential uses as allowed in the Table of Uses;
- ~~4.6.1.3~~ — Ancillary recreational uses and recreational facilities;
- ~~4.6.1.4~~ — Agriculture, conservation, and wildlife uses;
- ~~4.6.1.5~~ — Infrastructure elements such as stormwater or wastewater management facilities that require location within the open space area due to site and engineering considerations; and
- ~~4.6.1.6~~ — Ancillary maintenance facilities for the overall development (e.g. garage for groundskeeping equipment).

4.6.2 Dimensional Requirements

	Rural	Res-A	Res-B	Town Center
Tract requirements:				
min size (acres)	20	5	5	2
min frontage (feet)	100	50	50	50
min setbacks & buffers (feet):				
setback (front/all others) ¹	100/75	50/50	50/40	100/40
buffer (front/all others)	85/60	40/40	40/30	80/30
max density (dwelling units/acre):				
single or two-family	1.5	3	4	4
multi-family	2	N/A	8	8
Individual lot requirements²:				
lot size (sq ft)	8,000	8,000	7,000	5,000
frontage (feet)	50	50	40	35
front setback (feet)	20	20	15	15
other setbacks (feet)	10	10	8	5
Footnotes:				
1. Accessory structures must be set back from the tract boundary a minimum of 30 feet in all cases.				
2. Only applicable in developments where there are individual lots proposed for each residential structure, restricted to single-family developments.				
3. The frontage for lots on a cul-de-sac where the cul-de-sacs are proposed to be publicly owned must be a minimum of 75 feet unless there are designated areas reserved for snow storage within the cul-de-sac area.				

4.6.3 Maximum Number of Dwelling Units Allowed—The maximum number of dwelling units permitted within a cluster development shall be determined as follows:

4.6.3.1 **Base units:** Using the maximum density from §4.6.2 and the acreage of the tract, calculate the base number of dwelling units. For proposals with both single/two-family and multi-family unit types, first calculate the percentage of the acreage used for each type of development of the total developed acreage, then apply those percentages to the total tract acreage, then apply the densities from §4.6.2 to those acreage figures, then add the resulting number of units together to arrive at the base number of units for the entire development.

4.6.3.2 **Bonus Units:**

1. For dedication of more than 30% of the tract in permanent open space: 5% or
2. For dedication of more than 50% of the tract in permanent open space: 10%; and
3. For provision of public access to trails in the open space that connect to existing trails on abutting properties: 5%; and
4. For provision of at least 10% of the dwelling units reserved for households with 80% or less of the median household income for the most recent period for the town of Hampden as reported by the US Census Bureau: 5%. When this bonus is used, the developer is required to create a homeowner's association or similar permanent organization that is charged with the responsibility of enforcing the income limits on these units, which can be done "in-house" or contracted out. For developments where the units will be sold to the occupants (as opposed to leasing or renting), the income limits apply at the time of purchase of the unit and not to future income of the property owner. The homeowner's association is

required to submit a report showing proof of compliance with the income limits for affected units on an annual basis.

4.6.4 Common Open Space

4.6.4.1 Every cluster development must provide open space for the explicit purpose of providing recreational amenities and undeveloped land for permanent protection and the use and enjoyment of the residents now and in the future. This open space is exclusive of the tract buffer.

4.6.4.2 The amount of open space required is based on the number of dwelling units in the project and the zoning district to which it is located, as provided below:

	Open Space Acreage Required Per Unit		
	SF individual lots	SF without lots	Multi-family
Rural	0.2	0.3	0.25
Residential A	0.08	0.1	NA
Residential B	0.045	0.07	0.05
Town Center	0.08	0.09	0.05

4.6.4.3 A maximum of 50% of the common open space acreage may be wetlands. Additional wetlands may be included in the open space area to ensure permanent protection of these important resource areas, but they will not be counted toward the open space requirement for the development.

4.6.4.4 A maximum of 30% of the required open space area may be occupied by water supply, sewage disposal, or stormwater management facilities. Linear elements are to be measured as follows: if it is within an easement, the entire area of the easement is counted, and if it is not within an easement, a corridor ten feet wide centered on the linear element (pipe) is counted. For non-linear elements (e.g. stormwater pond or septic system including leach field), the area measured by the outermost boundary of the element is counted (e.g. the toe of a slope for a stormwater pond surrounded by a berm). If needed, easements must be established to ensure maintenance of the utility.

4.6.4.5 Amenities: Every cluster development must include at least one recreational amenity within the open space area, such as but not limited to a walking trail, playground, picnic area, ballfield, court, or gazebo. Amenities may be open to the general public and should serve the needs of the residents of the development (e.g. it is more sensible for a cluster development marketed toward older residents to have walking trails as opposed to ball fields).

4.6.4.6 Ownership and restriction of future development: common open space areas must be owned by the homeowners association for the development, the Town of Hampden, a land trust, or another similar organization that will provide permanent protection. In all cases, such protection must be enhanced by either a permanent deed restriction which includes language to require Planning Board approval for alteration or removal of the deed restriction or a conservation easement must be recorded and referenced on the plans and applicable deeds to prohibit future subdivision of the common open space and to prohibit any development other than accessory structures for permitted recreational uses, infrastructure elements, or maintenance facilities.

4.6.4.7 Location: in so far as possible, the common open space areas should be contiguous within the development and should connect to open space on adjacent parcels. Small areas of fragmented open space will not be counted toward the open space requirement.

- 4.6.4.8 ~~Maintenance: the developer is responsible for the maintenance of the common open space and any amenities or utilities within the open space until such time as a homeowners association or other entity is established and the maintenance responsibility is transferred to them.~~
- 4.6.4.9 ~~Rules Governing Home Owners Associations or Open Space Trusts— If a homeowners association or open space trust specifically and only for the development is formed, it shall be governed according to the following regulations:~~
- ~~1. The organization shall be formed by the developer and be operating, with financial subsidization by the developer if necessary, before the sale of any lots within the development.~~
 - ~~2. Membership in the organization is mandatory for all purchasers of homes therein and their successors.~~
 - ~~3. The organization shall be responsible for maintenance, insurance, and taxes for common ~~open space and any~~ improvements within the open space.~~
 - ~~4. The members of the organization shall share equitably the cost of maintaining and developing common open space and property in accordance with procedures established by them.~~
 - ~~5. The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.~~

4.6.5. ~~Tract Buffers~~

- 4.6.5.1 ~~All cluster housing developments are required to provide a buffer along all tract boundaries per the table in §4.6.2.~~
- 4.6.5.2 ~~Any existing vegetation which provides a dense buffer must be retained.~~
- 4.6.5.3 ~~Any area of the required buffer area which has no existing buffering vegetation must be planted with trees or shrubs to provide a dense buffer, per the standards in §4.7.2.4.2.~~
- 4.6.5.4 ~~Notwithstanding the above, roads and associated utilities (water or sewer lines, electric or communications cables, or other linear utilities) may be located within the tract buffer provided no portion of the physical improvement, easement, or right of way is located within 25 feet of the tract boundary and the encroachment area is minimized. The remaining buffer in these locations must have permanent dense vegetation, whether existing or planted or both. However, an entrance road may be located in any portion of the tract buffer when either the Hampden DPW or Maine DOT requires such a location for the intersection with the existing public road, from the intersection into the site to the shortest distance necessary to move the road out of the buffer. The intent of this provision is to allow flexibility to account for tract configuration and the location of natural features on the site.~~
- 4.6.5.5 ~~The required buffer area must be protected from development and from removal of vegetation by deed restrictions covering the entire buffer area. For cluster developments with individual lots for single family homes, the deed for each lot that has buffer located on the lot must include such a restriction to prevent the property owner from removing buffer vegetation. In such cases, the required minimum lot size for individual lots per §4.6.2 must be outside of the buffer area. The Homeowner's Association or equivalent is responsible for enforcement of these deed restrictions. The Town's Code Enforcement Officer has the authority to enforce this requirement.~~
- 4.6.5.6 ~~Notwithstanding the above requirements, the Planning Board has the option, upon the written request of the applicant, to approve an alternative method (e.g. fence vs dense vegetation) or to reduce the depth of the buffer up to a maximum of 50 percent of the requirement for a distance along the boundary up to a maximum of 20 percent of the total length of the perimeter buffer.~~

(i.e. the entire perimeter of the tract, not just the boundary line in question). The Board must make a finding that such a change in method or reduction in depth would result in a design that would provide some public benefit, such as but not limited to additional housing units targeted for moderate income households, or more land included in the common open space and specifically designated for trails within the buffer that will be built by the developer prior to issuance of the Certificate of Compliance, or an increase in the buffer depth in other locations of the proposed development adjacent to existing developed areas.

4.6.6. Private Road Cluster Housing Development When an applicant proposes a single-family cluster housing development with individual lots that will have all roads and infrastructure privately owned and maintained, the following provisions apply:

- 4.6.6.1 The development must comply with the minimum Tract Requirements in §4.6.2 and no reductions to the buffer requirements per §4.6.5.6 are allowed.
- 4.6.6.2 The development must provide a minimum number of housing units of no less than 1 dwelling unit per acre in the Rural district, 2 dwelling units per acre in the Residential A district, and 3 dwelling units per acre in the Residential B and Town Center districts.
- 4.6.6.3 The following open space provisions are not applicable: §4.6.4.2, 4.6.4.3, and 4.6.4.4.
- 4.6.6.4 All roads, stormwater management facilities, sewer infrastructure, water supply infrastructure for both potable and fire suppression purposes, recreational amenities, and any other similar infrastructure must be owned and maintained in perpetuity by the developer, property owner, homeowners association, or their successors.
- 4.6.6.5 The development may be designed with individual lots that are less than required in §4.6.2 under Individual Lot Requirements, and with any amount of open space provided a minimum of 10% of the tract is designated as open space exclusive of the tract buffer.
- 4.6.6.6 Language stating the roads and other infrastructure within the cluster subdivision are to remain private in perpetuity must appear on the final subdivision plan to be recorded at the Registry of Deeds, in the deeds to parcels containing the infrastructure, and in the homeowners association document.

4.7 Design Standards

4.7.1 Off-Street Parking, Loading, and Drive-Through Facilities

4.7.1.1 All land use and development in the Town of Hampden is subject to the following parking space requirements, as defined by the primary use of the property. No development shall exceed the maximum amount defined in this section. Number of parking spaces. No land shall be used and no building or structure shall be created, enlarged or used unless the requirements specified in the table below are met. Where the compilation of required parking or loading spaces results in a fractional number, the result is to be rounded up when the fraction exceeds one-half. No required parking space shall serve more than one use, unless approved under §4.7.1.5.

Primary Use (see §3.1.3 Use Table)	Maximum Number of Parking Spaces	Additional Notes
(A) Agricultural/Recreational	1/250 SF GFA	
(B) Residential	2.0/DU	0.66/DU if an Affordable Housing project as defined in Title 30-A M.R.S.A. §4722
(B-ACC) Accessory Uses to Residential Uses	1/NRE (Non-Resident Employee)	Includes Daycare Facility (C-1) if operated in conjunction with a Residential Use
(C) Educational Uses	0.5/Student	
(D) Medical	1/200 SF GFA	
(E) Utility/Government	1/250 SF GFA	
(F) Institutional	1/250 SF GFA	
(G) Commercial/Office	1/250 SF GFA	
(H) Industrial	1/1,000 SF GFA	
(I) Accessory Uses to Non-Residential Uses	N/A	Refer to Primary Use

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Use	Number of Required Spaces	Comments
Residential uses	2 per dwelling unit	necessary apartment units required to have 1 space. Multi-family development may add a maximum of 4.25 spaces per unit for event parking.
Congregate care facility	1 per dwelling unit	
Lodging or rooming home, hotel, motel, or inn	1 per room for let	any facility that includes a permanent residence for the owner or operator must also provide 2 spaces for that residence
Hospital or nursing home	.33 per bed	
Medical office or clinic	1 per 200 sq. ft. GFA	
Medical marijuana dispensary or methadone clinic	1 per 200 sq. ft. GFA plus 5 per employee	
Daycare	.25 per child plus 1 per employee who does not reside on the premises	includes all types of daycare establishments
Preschool	.33 per student	
School, post-secondary or commercial	5 per student	
Place of worship	.33 per seat, or 1 per 150 sq. ft. GFA if no seats	for bench seating, 2 linear feet of bench equals 1 seat

Private Event Venue	\$.5 per person plus 1 per worker (direct employee or outside employee e.g. caterer, band) at maximum capacity of the venue as approved by the Planning Board	
Retail sales	1 per 200 sq. ft. GFA	minimum 5 spaces
Office	1 per 250 sq. ft. GFA	
Auto service	1 per service bay	for drive through service, 2 spaces per service bay
Restaurant, bar, pub, or tavern	1 per 100 sq. ft. GFA plus 1 per 100 sq. ft. gross area used for outdoor dining	applies to all types of restaurants
Place of assembly	33 per seat, or 1 per 150 sq. ft. GFA if no seats	for bench seating, 2 linear feet of bench equals 1 seat
Industrial	1 per 1,000 sq. ft. GFA	minimum 5 spaces
Warehouse	1 per 2,500 sq. ft. GFA	
All other uses	To be determined by the permit granting authority based on similar uses or on applicant submitted data.	

~~4.7.1.2~~ ~~Maximum number of spaces: The maximum number of spaces shall not exceed 110% of the number of spaces required by §4.7.1.1.~~

~~4.7.1.3~~ ~~4.7.1.2~~ ~~Where multiple uses exist on a single lot or within a single building, the maximum parking allowance requirement shall be determined by the use of greatest impact computed for each use separately and added together. (For example, a motel with a restaurant would be required to provide parking for both the motel units and for seating capacity of the restaurant.)~~

~~4.7.1.3~~ ~~A minimum of 50% of the required parking must be located on the same lot as the use which it serves, and any remaining required parking. Parking easements or contracts with adjacent property owners must be included with the application for site development and approved by the Planning Board may be located on another lot provided the parking is within 500 feet of the use and a permanent parking easement is provided in favor of the use/building which requires said parking. For developments within the Town Center district, off-site parking may be public parking located either on street or off street.~~

4.7.1.4 ~~Notwithstanding these requirements, no parking area shall exceed the maximum impervious area for the zoning district as identified in §3.4.1.~~

4.7.1.5 **Shared Parking:**

1. **Within a single development:** ~~Where multiple structures and/or uses exist within a single development, parking shall be centralized among the uses to the greatest extent possible. The permit-granting authority may approve projects that deviate from centralized shared parking requirements if determined to be less detrimental of an impact to abutting properties, public safety, or stormwater management requirements. Within the Town Center district, developments with multiple uses shall share spaces among the uses to the extent reasonable (e.g. parking demand times differ between uses), provided the permit-granting authority finds there will be no detrimental impact on abutting properties and no projected increase in on street parking in the immediate area of the subject development.~~
2. **Between developments:** ~~A- Within the Town Center district, abutting properties (separate developments) shall share off-street parking spaces to the greatest extent possible, or provide a right-of-way between properties, provided both property owners sign a contractual cross-access/shared parking agreement. The cross-access/shared parking agreement shall be included in any application that goes before the permit-granting authority. The permit-granting authority shall approve shared parking arrangements provided there will be no and the permit-granting authority finds there will be no detrimental impact on abutting properties.~~

2. not involved in the shared parking, and no projected increase in on-street parking in the immediate area of the subject properties will occur.

4.7.1.6 Parking Area Design and Location

1. Parking Area Design: Parking areas are subject to the following design requirements. Each parking space shall measure a minimum of 9 feet by 18 feet long exclusive of drive aisles and maneuvering space.

Configuration	Dimensions (Feet)			Buffer Type (see	
	Drive Aisle	Parking Aisle	Total Module		
One Row of Parking					
Angle (Degrees)	30	10	17	27	Class I
	45	12	20	32	Class I
	60	16	20	36	Class I
	90	24	18	42	Class I
Two Rows of Parking					
Angle (Degrees)	30	10	17	44	Class II
	45	12	20	52	Class II
	60	16	20	56	Class II
	90	24	18	60	Class II

2. Handicapped Parking: Handicapped parking spaces shall be designed, located, and striped in accordance with the 2010 ADA Standards for Accessible Design.
3. Parking Area Location: Parking areas shall be located towards the rear or side of the principal structure to the greatest extent possible. Parking areas should be located away from the public right-of-way and shall be screened with the required buffer.
4. Parking Area Setbacks: Parking areas, including any required buffer, shall be setback from the principal structure and/or abutting properties in accordance with the following table, except for parking areas with a shared parking agreement.

Zoning District	Setback (Feet)		
	Principal Building	Street Yard	Other Yards
Residential Districts			
Rural	0	10	10
Residential A	0	10	10
Residential B	0	10	10
Seasonal	0	10	10
Business Districts			
Rural Business	5	10	10
Town Center	5	10	0
Business	5	10	0
Business B	5	10	0
Commercial Service	5	10	0
Waterfront 1	5	10	10
Interchange	5	10	10
Industrial Districts			
Industrial Park	5	20	10
Industrial	5	20	10
Industrial 2	5	20	10

5. Parking Area Lighting: Parking areas shall be illuminated in accordance with §4.7.3 of this Ordinance. No parking area shall be illuminated in such a way that it causes glare for motorists, pedestrians, or neighboring premises, as specified in §4.7.3.
- 4.6 Parking Area Access: Parking areas that access a public way shall be designed. All parking areas shall have access to the street in conformance with the following design standards, subject to and shall require approval from the Department of Public Works:

~~1. Accessway width for a two-way entrance. Width of the driveway shall be a minimum of 24 feet and a maximum of 26 feet;~~

~~2. Access to a parking area is limited to one singular curb cut per property;~~

~~3. Accessways must be designed with a maximum grade of 12 percent, with the exception that within 40 feet of the intersection with the public way the grade shall not exceed 5 percent;~~

~~4. The apron area between the front property line and the public way must be paved with 3 inches of bituminous concrete (in two layers of 1 1/2 inches each) over a minimum of 12 inches of compacted gravel; and~~

~~5. , except when the permit-granting authority approves a parking lot in the Rural district under item 7 above; and~~

~~6. Culverts or other drainage facilities to control storm-water run-off within the public right-of-way shall be installed by the property owner at his/her own expense, after review and approval by the Director of the Department of Public Works.~~

7. Parking Area Landscaping: Parking lots with 50 or more spaces shall provide landscaped interior traffic islands or bioswales to control traffic flow and define driving aisles in accordance with the following requirements:

1. Parking areas with less than 25 parking spaces must provide a minimum of one tree per 10 parking spaces located in a landscaped island or buffer area.

2. Parking areas with 25 or more parking spaces must provide a minimum of one tree per 10 parking spaces located in a landscaped island measuring at a minimum size of 162 SF (the size of a singular parking space).

3. Interior traffic islands shall be spaced so the maximum amount of spaces between each island does not exceed 15 parking spaces.

4. A bioswale may be constructed in lieu of a traffic island provided the bioswale is constructed in accordance with Low Impact Development (LID) Best Management Practices (BMPs).

5. For the purposes of this section, a tree must measure at least two inches in diameter at breast height upon installation. Special consideration of these requirements shall be given to projects that preserve existing trees and vegetation.

8. to control traffic flow and define parking space rows, and must contain a minimum of one tree at least two-inch diameter at breast height per ten parking spaces, to be planted in landscaped islands of a minimum of 10 square feet per tree, or within 5 feet of the edge of the parking area. Exceptions for Pre-Existing Parking Areas:

1. Parking lots to serve newly constructed structures or additions shall be a level, uniform, dust-free surface constructed of concrete, bituminous asphalt, brick or pavers, or other similar material. Parking areas that lots to serve pre-existing (as of May 1, 2017) structures, including new or expanded uses within said structures, may be constructed of alternate materials such as hardpacked dirt or gravel upon a finding by the Code Enforcement Officer that this method of construction will not affect public safety and is otherwise in compliance with the provisions of this Ordinance.

2. Parking areas serving intermittent or seasonal uses, lots serving uses in the Rural district that will be used on an intermittent or seasonal basis may be laid out to utilize field areas without need to comply with the design requirements above. The if the permit-granting authority must finds the proposal will serve the use without creating any negative impacts on abutting properties, or public roads, or stormwater management systems.

~~2.3~~ Notwithstanding the requirements above, a site development established prior to the adoption of this Ordinance, for which a change of use is proposed, shall meet ~~the must meet the design standards of §4 7.1 (o) parking space requirements of §1.7.1.1 for the new use to the maximum practical extent practical as determined by the Code Enforcement Officer, provided that parking area does not exceed 110% of the maximum parking area allotted for the new use. Site plan amendments to accommodate the requirements of this section shall be approved by the Code Enforcement Officer, at least 75 percent of the required parking spaces are provided, either on-site and off-site. Determination of the number of parking spaces in parking lots where spaces are not delineated shall be based on the traditional usage of the parking lot.~~

- 4.7.1.7 Off-Street Loading: Adequate loading facilities must be provided for all business, commercial, and industrial uses. Since there is significant variability among uses, the size and number of spaces should be proposed by the applicant but the permit-granting authority reserves the right to require more if there is evidence to indicate the proposed facilities are inadequate. Not all businesses are required to provide loading facilities; those without specific need for shipping/receiving areas are not required to provide them. No loading space may be located within any setback or buffer area, and loading spaces must not be located where trucks will be required to back up in a public street.
- 4.7.1.8 Drive-Through Facilities: All businesses and restaurants with drive-through facilities are subject to the following standards.
1. Drive-through windows, ATMs, or other devices by which a customer may conduct business shall not be located in the street yard space or in front of the principal use building.
 2. Drive-through businesses shall have direct access to principal arterials, minor arterials or major collectors as identified in the Federal Highway Functional Classification Map. Notwithstanding this requirement, drive-through businesses may be an element of a group development which has direct access to said street types.
 3. Drive-through businesses shall not be located within any building located in a Historic District that the Historic Preservation Commission determines is a "contributing structure", nor shall they be located on a "historic landmark" or within a "historic site" as defined in the Hampden Historic Preservation Ordinance.
 4. Extent. That portion of a site development that is solely related or dedicated to the drive-through lanes, windows, and roof structures covering the drive-through area shall not cover more than ten percent of the lot.
 5. Driveway Curb Cuts. A drive-through business shall not be designed with multiple driveway curb cuts except as authorized by the Planning Board through site plan review. Two curb cuts may be considered where one serves as an entrance to the site development and one serves as an exit. Curb cuts shall be located such that neither the vehicles entering or exiting the site nor vehicles standing in a related off-site center turn lane would create conflicts with vehicles utilizing neighboring curb cuts.
 6. Site to Accommodate Larger Vehicles. A drive-through business shall be designed to accommodate Class A commercial delivery vehicles. The purpose of this provision is to provide adequate radii~~es~~, lane widths, and other design considerations so delivery vehicles entering the site can circle and leave the site without backup. This provision does not require drive-through queues, windows, and overhangs to be designed to accommodate Class A vehicles for service direct to the vehicle.
 7. Maneuvering space shall be provided in the rear or side yard.
 8. The radii~~es~~ of drive-through lanes shall be a minimum of forty-five (45) feet.
 9. Drive-through vehicular queue requirements:

1. Each service window or ATM shall be considered as a separate activity which must meet the queue requirements of this section. However, where two or more windows are used in tandem, they shall be treated as one.
2. The design standard for a single space in a queue shall be 9 feet in width and 18 feet in length.
3. Queue lanes shall be designed with a tandem bypass lane to allow vehicles to exit the queue and leave the site.
4. Queue lanes shall be designed to not interfere with ingress and egress to the site, vehicle maneuvering areas, or customer parking.
5. ATMs shall require five queueing spaces. Service windows and remote tellers shall require a minimum of eight queueing spaces.
6. A minimum of 180 feet total driveway stacking area must be provided between the entrance curb of the site development and any drive-through window or speaker device for fast-food establishments and other intensive uses as may be determined by the Planning Board. The Planning Board may require additional stacking area based on engineering best practices as identified by Town staff or third-party review.
7. Both the queuing lane and the drive-through window shall be ~~at least 50 feet from any residentially zoned property, and for fast food establishments, at least 100 feet from any residential dwelling property and screened from view using a Class I buffer (see §4.7.2.4 Classification of Buffers) (see §3-2-34).~~
8. The queue lane shall provide an area for two vehicles to wait just beyond the drive-through service window for services or products not immediately available. This area shall not be considered parking spaces but rather part of the drive-through queue. Notwithstanding this regulation if the location of this waiting area conflicts with Zoning District regulations or the Historic Preservation Ordinance the Planning Board may approve alternative locations for such spaces.
10. Site design and layout shall minimize impacts to traffic circulation on adjacent public streets; where impacts cannot be avoided, the applicant shall be required to mitigate such impacts by making improvements to public roadways, including but not limited to the addition of center/turn lanes, breakdown lanes, widening, or other measures to mitigate unavoidable impacts to adjacent roadways. If an MDOT Traffic Permit is required for the drive-through use, the Town shall coordinate its traffic mitigation recommendations for the site development with MDOT at the MDOT Traffic Permit scoping meeting. However, securing an MDOT Traffic Permit shall not relieve applicants from demonstrating that the traffic and safety considerations found in this Ordinance are met.
- ~~11. Landscaping. Drive-through facilities shall be buffered with landscaping pursuant to §4.7.2. Buffers and Landscaping. Where abutting residential districts, such buffer must include a solid wall or fence of at least six feet in height.~~
- ~~12.11.~~ Signs associated with a drive-through facility must comply with the provisions of §4.7.5, Signs.
- ~~12.12.~~ All utilities associated with a drive-through facility must be entirely enclosed or buried.

4.7.2 Buffers and Landscaping

- 4.7.2.1 Purpose: The purpose of a buffer is to provide aesthetically acceptable visual and spatial separation between adjacent land uses, thereby enabling the juxtaposition of land uses of different types by minimizing negative impacts that a land use will impose on its neighbors. Landscaping on a site is meant to minimize the visual effect of the bulk and height of

buildings, structures, parking areas, lights, and signs, as well as to minimize the impact of the use on natural resources.

4.7.2.2 **Applicability:** Whenever a non-residential or multi-family residential building is constructed or enlarged or such use is authorized or extended, a buffer designed to mitigate the impact of the more intense use on the abutting properties shall be provided in accordance with this section. Where two or more classes of buffers are required, the stricter requirement shall apply.

4.7.2.3 **Existing Vegetation:** ~~The permit-granting authority may waive the buffer requirements where existing. When a property line where a buffer is required is wooded or has significant existing vegetation that will not be removed for the development. This area is meant to include all existing vegetation between the building setback line and the property line, the permit-granting authority may waive the buffer requirements. Where existing vegetation is located on the abutting property, the permit-granting authority may waive the requirement only upon receipt of a written statement from the abutting property owner waiving his/her right to have the required buffer installed as part of the development.~~

4.7.2.4 **Classification of Buffers.**

1. Class I Buffer is either: 1) a hedge or buffer at least five feet wide consisting of densely planted shrubs or trees, at least four feet in height at the time of planting, and eventually reaching a mature height of at least six feet; or, 2) a wall or fence at least six feet in height, but not exceeding eight feet, which provides an effective visual barrier.
2. Class II Buffer is a buffer at least 25 feet wide of which a 10 foot width shall be vegetated with trees and/or shrubs (existing or planted) at least four feet in height at the time of planting, and eventually reaching a mature height of at least six feet.
3. Class III Buffer is a buffer at least 50 feet wide of which a 25 foot width shall be vegetated with trees and/or shrubs (existing or planted) at least four feet in height at the time of planting, and eventually reaching a mature height of at least six feet.

4.7.2.5 **Location of Class I Buffers.**

1. All off-street parking areas containing five or more spaces and all outdoor off-street loading areas must provide a buffer on each property line abutting any residential district or any public or private street or way.
2. Any non-residential use in a residential district must provide a buffer along each property line abutting a residential use.
3. Any commercial or industrial use must provide a buffer along each property line abutting a residential use or district.
4. Any drive-through facility must provide a buffer along any property line adjacent to any part of the drive-through portion of the site.

4.7.2.6 **Location of Class II Buffers**

1. Any use in a commercial or industrial district in excess of 5,000 square feet in floor area, or one acre in land development, must provide a buffer along each property line abutting a residential use or district, unless located in an industrial or business park where a perimeter buffer exists.
2. A buffer must be provided along the perimeter of an industrial or business park (front, side, and rear boundaries of the tract).
3. Any multi-family development of ~~50-20~~ units or more must provide a buffer along each property line abutting a residential use or district.

~~3.4. A buffer must be provided to screen high-capacity parking areas.~~

4.7.2.7 **Location of Class III Buffers**

1. Any multi-family development of ~~100~~ 50 or more units must provide a buffer along each property line abutting a residential use or district.
2. Any non-residential or multi-family residential development in the Business B district must provide a buffer along any boundary line adjacent to a residential district.

4.7.2.8 Installation of buffer. An occupancy permit or certificate of compliance shall not be issued for the project until the required landscaping is complete or until a certified check for the amount of one hundred twenty-five (125%) percent of any unfinished work is accepted by the Town Manager.

Maintenance of buffers. All buffers required by this section or by condition of approval must be maintained to ensure the purpose of the buffer is sustained. If buffer vegetation dies off or is otherwise removed to the extent where the buffer is no longer serving its intended function, the Code Enforcement Officer may find a violation of the approval exists.

4.7.3 Lighting

4.7.3.1 Purpose. The purpose of this section is to provide standards for the lighting of non-residential and multi-family residential developments so as to reduce traffic safety hazards and protect property values and the aesthetic appearance of the town.

4.7.3.2 Applicability and Standards. All non-residential and multi-family residential developments which are required to obtain site plan approval shall meet the following outdoor lighting standards:

1. The luminaries/lighting fixtures shall be a shoe box type or decorative in nature (with interior directional shields), with the architectural theme of the development. All luminaries/lighting fixtures must provide a total cutoff of all light at less than 76 degrees from vertical, except as provided below. The lighting source (lamp) must only be visible from below.
2. Reflectors of proper distribution shall be selected for maximum efficiency. Reflectors and shielding must minimize to the greatest extent practicable light spilling over to adjacent properties.
3. The luminaries/lighting fixtures must not exceed 35 feet in height, unless a greater height is shown by the applicant to result in a lesser impact on surrounding properties, roads, and sky glow. The luminaries/lighting fixtures for sidewalks or paths must not exceed 12 feet in height.
4. Where wall-pack type luminaries/lighting fixtures are utilized, the fixture must be equipped with a prismatic lens to reduce glare. Wall-pack lighting must be designed to a maximum cutoff of 70 degrees from vertical. The location of the wall-pack on the structure must not exceed 20 feet from the ground directly below the fixture.
5. All luminaries/lighting fixtures are restricted to a maximum footcandle level of 8.0 (initial), as measured directly below the fixture at grade.
6. Lighting fixture wiring must be installed underground.
7. All lighting on a non-residential site must be reduced in intensity by a minimum of 50% within one hour of closing, and remain at such reduced intensity until within one hour of opening.

~~4.7.4 Architectural Design: Repealed [Date] in the Business B and Town Center districts, non-residential or multi-family residential buildings that are constructed, reconstructed, moved, or structurally altered must comply with the following standards:~~

4.7.4.1 Roof pitch: minimum pitch of 6 in 12, or a pitch consistent with adjacent structures, or for buildings with a footprint larger than 11,000 square feet the rooflines of the street façade(s) must have an appearance similar to that of a pitched roof.

4.7.4.2 Exterior siding: brick, masonry, veneers, wood siding, wood shingles, aluminum or vinyl siding simulating a clapboard pattern, or hardboard siding. Where adjacent buildings are within 100 feet, siding material should be consistent with those existing buildings. Inconsistent architectural elements created by illumination, form or color are not permitted. For buildings with a footprint larger than 11,000 square feet, the street façade(s) must comply with this standard while other façades may use other siding materials.

~~4.7.4.3.4.7.4~~ In order to evaluate consistency with these requirements, the site plan submission must include elevation drawings and illustrations to show how the above standards are met.

4.7.5 Signs:-

~~4.7.5.4.7.5.1~~ Off-Premises and On-Premises Signs: All signs erected or maintained in the Town of Hampden must conform to Title 23 M.R.S.A §1901-1925. Signs provide vital information to the public, assist in the response and rescue of public safety and engender a sense of place. The following provisions shall apply to signs and billboards in all districts where permitted.

~~4.7.5.1~~ Off Premises Signs No off premises signs shall be erected or maintained in the Town of Hampden except in conformity with ~~23 MRS. section 1901-1925~~ the Maine Traveler Information Services Law. Off premises official business directional signs may be located in the Town of Hampden in such locations and in such a manner as allowed under ~~23 MRS. sections 1901-1925~~ and under the rules and regulations of the State of Maine Department of Transportation. Provided, however, that off premises official business directional signs for use of a Residence for Business Purposes are prohibited. Authorization for official business directional signs shall be obtained from the Code Enforcement Officer.

~~1~~ Exception for property identification numbers Each residential premises is allowed a mailbox with the identification number of the property clearly marked on it. If the mail box is on the opposite side of the street of the house or if there is no mailbox, the premises is also allowed an MDOF approved sign post, or similar structure, with numbers that meet the standards of subparagraph a below. Such signs are also allowed on an adjacent parcel with written permission of the landowner.

~~1~~ All non residential uses must display the identification number of the property. The area required by the number is not included in the calculation of the total square footage of the sign.

~~2~~ Approved address numbers shall be placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

~~2~~ Exception for industrial subdivision entrance sign In Planning Board approved Industrial Subdivisions a sign marking each public street entrance shall be permitted. Such signs shall be limited to 70 square feet per face and shall only contain the name of the subdivision, the name of the public subdivision's street, and owner identification information. The sign may be located in the raised median of the entrance street provided that it is at least 20 feet from the nearest perpendicular traveled way and the sign itself creates no visual barrier from the ground up to a height of 6 feet.

~~3~~ Exception for industrial subdivision directory sign In Planning Board approved Industrial Subdivisions a directory sign marking tenants in the subdivision located near each public street entrance shall be permitted. Such signs shall be unlighted, be limited to 50 square feet per face, not exceed five feet in height, and shall only contain the name of subdivision, information about the subdivision's management, and the name and address of each subdivision's tenant. The sign may be located in the public right of way provided that it is at least 100 feet from the entrance and does not create a visual barrier to individual lot entrances.

~~4~~ In order to promote the use and enjoyment of the Waterfront Park and uses within the Waterfront district, such uses and businesses within said district shall be permitted to have

signage located on Main Road North (Route 1A) in the vicinity of Marina Road subject to the following conditions:

1. One freestanding sign structure is permitted, on which all signage for the Waterfront district shall be installed.

2. The signage may be double-faced, and the cumulative area shall not exceed 50 square feet per side, exclusive of the sign structure.
3. Each individual sign for a non-municipal entity shall not exceed 15 square feet in area (per side for a double-faced sign).
4. The maximum height of the sign shall not exceed 15 feet in height from the ground level under the sign.
5. ~~Lighting of the sign shall only be by an externally located steady stationary white light source, shielded and directed solely at the sign.~~
6. If located on private property, the owner of the property must have given permission in writing to allow the installation of the sign.
7. Authorization for placement of a sign under this section shall be obtained from the Code Enforcement Officer.

4.7.5.2 On-Premises Signs—All on-premises signs shall be located and erected in conformity with State Law (23 MRS. sections 1044-1025). In addition the following regulations apply:

1. Visual obstruction—No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination, or wording, the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign, or device or otherwise constitute a hazard to pedestrian or vehicular traffic.
2. Sign Illumination—Sign illumination is permitted in all districts, except on properties used for residential purposes, as long as it conforms to 4.7.5.2.1.
3. Visual distraction—Flashing, moving, or animated signs are prohibited.
4. Height limit—No sign shall exceed twenty-five (25') feet in height.
5. Size limit—No sign shall exceed the maximum sign size for the district in which the sign is placed. Freestanding signs are sized on the basis of one sign face. Except that signs located on premises but greater than fifty (50') feet from a building and visible from Interstate 95 shall be limited to one sign and shall not exceed one hundred fifty (150) square feet in area or the maximum sign size allowed in the district, whichever is less. Such signs visible from Interstate 95, shall have no panel dimension greater than twenty (20') feet.
6. Neighborhood nuisance—No sign shall be maintained in a manner in which the operation or illumination thereof may cause nuisance or undue distraction to nearby residents or occupants.
7. Roof signs—Roof signs shall not extend more than ten (10') feet above the roofline.
8. Changeable Signs—Are Permitted in all districts, except on properties used for residential purposes:
 1. "Changeable Sign" means an on-premises sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally, or mechanically altered by the complete substitution or replacement of one display by another on each side.
 2. "Display" means that portion of the surface area of a changeable sign that is or is designed to be or is capable of being periodically altered for the purpose of conveying a message.
 3. "Message" means a communication conveyed by means of a visual display of text, a graphic element or pictorial or photographic image.
 4. "Sign Assembly" means the display, border, trim and all supporting apparatus

including posts, columns, pedestals and foundation.

5. "Time and Temperature Sign" means a changeable sign that electronically or mechanically displays the time and temperature by the complete substitution or replacement of a display showing the time with a display showing the temperature.

6. The display on each side of a changeable sign:

- a. May be changed no more than once every 10 seconds;
- b. Must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing, display continuous streaming of information, video animation or blending;
- c. May consist of alphabetic or numeric text on a plain or colored background and may include graphic, pictorial or photographic images.

4.7.5.3 Permitted Signs Not Requiring a Permit—The following on-premises signs shall be permitted in all districts without a permit:

1. Real estate signs—The following signs relating to the sale, rental or lease of a premises may be displayed on the premises of a premises which is available for sale, rent or lease:
 1. A single freestanding sign, not over five (5) square feet in area.
 2. A single wall sign not over three (3) square feet in area.
 3. All such signs shall be removed when PURPOSE IS FULFILLED.
2. Posting signs—Signs relating to trespassing and hunting.
3. Residential identification signs—A single sign denoting the name and/or address of the occupants of residential premises, such sign shall not exceed four (4) square feet in area. Or one sign naming the premises where located. Such sign shall not exceed six (6) square feet if it is a wall sign, or four (4) square feet if it is a freestanding sign. (Examples: Twin Oaks, Fox Five, Kinsley House, etc.)
4. Tradesman signs—A single sign, placed on the premises where construction, repair, or renovation is in progress, which denotes the architect, engineer, contractor, and/or funding source for the work in progress. Such sign shall not exceed sixteen (16) sq. ft. in area and shall be removed when the work is completed. Federal and state government mandated signs are exempt.
5. Traffic signs—Signs providing traffic and directional information to the public.
6. Customary Home Occupation or Home Based Contractor sign—In place of the sign allowed in §4.7.5.3.3 above, approved customary home occupations or home based contractors may display a single sign, not over four (4) sq. ft. in area, relating to the business.
7. For sale signs—In addition to the sign allowed in §4.7.5.3.3 above, residential users may display a single temporary sign, not over four (4) sq. ft. in area, relating to goods or services for sale on the premises, if such sale does not constitute either a business, a customary home occupation, a home based contractor, or a yard sale. Examples of sales falling under this provision are the sale of a used vehicle, the sale of a used appliance, or other occasional sales.
8. Temporary event signs—Temporary signs announcing public and semi-public occasional events, etc. Such signs shall be displayed not more than two (2) weeks before the event and shall be removed within one (1) week after the event. Signs established more than two weeks prior to the announced event shall be deemed unlawful and are subject to removal under §4.7.5.10.2.
9. Political Signs—Signs bearing political messages relating to an election, primary or referendum may be placed per 23 MRSA §1913-A and Maine DOT Department Regulations.
10. Personal Sign—Signs bearing political, religious, ideological or personal messages by the occupant(s) of a property, limited in size to a maximum surface area of 50

square feet:

4.1. Prohibited Practices — Signs allowed by this § 4.7.5.3 shall be subject to the following:

1. Shall not be erected or maintained on any traffic control signs or devices, public utility poles or fixtures, upon any trees or painted or drawn upon rocks or other natural features;
2. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device, such as a stop sign;
3. Political signs may be displayed to view to all public ways except that such signs may not be erected within 660 feet of the nearest edge of the Interstate Highway System in such a manner that the message may be read from the Interstate Highway. No political sign may be located at the interstate interchanges.

4.7.5.1 Permitted Signs With a Permit The following on-premises signs shall be permitted in all districts with a permit:

1. Housing project sign A single sign not over thirty two (32) sq-ft. describing a multi-family housing project or a subdivision;
2. Subdivision sign A single sign not over thirty two (32) sq-ft. describing a subdivision;
3. Non-residential principal building or use sign A single sign not over sixteen (16) sq-ft. describing a non-residential principal building or use on the premises.

4.7.5.5 Signs in the Rural District In the Rural District the following on-premises signs shall be considered accessory to the principal use of the premises on which they are located:

1. Farm product signs A maximum of two (2) signs describing farm products raised or produced on the premises. The maximum sign size shall not exceed sixteen (16) sq-ft.
2. Customary home occupation A maximum of one sign of a maximum size of 12 square feet. The sign may be illuminated by external source only. The sign must be freestanding, pole mounted, or mounted on the wall of a building.

4.7.5.6 Signs In Residential Districts In the Residential A and Residential B Districts the following on-premises signs shall be considered accessory to the principal use of the premises on which they are located:

1. Housing project or subdivision sign A maximum of two (2) signs whose combined area shall not exceed thirty two (32) square feet, describing a multi-family housing project or a subdivision on the premises;
2. Non-residential sign A maximum of two (2) signs whose combined area shall not exceed sixteen (16) square feet, describing a non-residential principal building of less than 5,000 square feet gross floor area or use on the premises;
3. Non-residential sign for larger site developments A maximum of one sign located at each street entrance whose area shall not exceed sixteen (16) square feet and describing a non-residential principal building or buildings in excess of 5,000 square feet gross floor area or use. Additional signage shall be permitted on the interior of such site developments provided that each individual sign has a maximum size of sixteen (16) square feet and is set back a minimum of 30 feet from all property lines.
4. Prohibited signs Notwithstanding the provisions of this section roof signs and internally illuminated signs are prohibited in the residential districts.
5. Scoreboards Notwithstanding the provisions of this section scoreboards are permitted in the residential districts and are not subject to the preceding regulations including size. The content of a scoreboard shall be generally limited to the score, period, time, and other-

information pertinent to the sporting activity, the name of the school and team.
Scoreboards may contain limited product advertising provided it is not back-lighted and is limited to 40 sq. ft.

6. ~~Use of Residence for Business Purposes: Signs for Customary Home Occupations or Home Based Contractors are permitted under § 4.7.5.3.6. Signs are not permitted for Home Businesses.~~

~~4.7.5.7 Signs in the Commercial Districts~~

1. ~~Signs in the Business District and Rural Business District—Two (2) of the following on-premises sign options identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Business District and the Rural Business District:~~

1. ~~One (1) freestanding sign, not to exceed thirty-six (36) square feet.~~
2. ~~Wall signs not to exceed one and one-half (1 1/2) square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed one hundred fifty (150) square feet.~~
3. ~~One (1) projecting or roof sign not to exceed thirty-six (36) square feet in area.~~

2. ~~Signs in the Business B District—Two (2) of the following on-premises sign options identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Business B District provided total signage does not exceed 250 square feet in area:~~

1. ~~One (1) freestanding sign, not to exceed fifty (50) square feet in area.~~
2. ~~Wall signs not to exceed two square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed two hundred (200) square feet.~~
3. ~~Projecting signs not to exceed (25) square feet in area.~~

3. ~~Signs in the Commercial Service District—The following on-premises signs, identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Commercial Service District:~~

1. ~~One (1) freestanding sign, not to exceed thirty-six (36) square feet.~~
2. ~~Wall signs not to exceed two (2) square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed two hundred (200) square feet.~~
3. ~~One (1) projecting or roof sign not to exceed seventy-two (72) square feet in area.~~
4. ~~Industrial Parks, as defined, may erect one industrial park sign per entrance. Such sign shall not exceed fifty (50) square feet.~~

4. ~~Signs in the Interchange District—The following on-premises signs, identifying on-premises business names, uses or goods sold or services rendered, shall be allowed for uses in the Interchange District:~~

1. ~~One (1) freestanding, projecting, or roof sign not to exceed one hundred fifty (150) square feet in area.~~
2. ~~Wall signs not to exceed four (4) square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed four hundred (400) square feet.~~
3. ~~Industrial parks, as defined, may erect one (1) industrial park sign per entrance. Such sign shall not exceed fifty (50) square feet.~~

5. ~~Signs in the Town Center District—Two (2) of the following on-premises sign options~~

identifying on premises business names, uses or goods sold or services rendered shall be allowed for uses in the Town Center District provided total signage does not exceed 30 square feet in area.

- ~~1. One (1) freestanding sign not to exceed twenty-four (24) square feet in area and fifteen (15) feet in height.~~
- ~~2. Wall signs not to exceed twelve (12) square feet in area.~~
- ~~3. Projecting signs not to exceed (12) square feet in area.~~
- ~~4. Prohibited signs—No roof signs shall be permitted in the Town Center District.~~
- ~~5. Shopping center signs—Shopping Center Signs shall be allowed in conformance with § 4.7.5.7.7, provided the sign does not exceed twenty (20) feet in height.~~
- ~~6. Fuel sales—In addition to signs allowed under § 4.7.5.7 of the Ordinance, uses selling gasoline or diesel fuel may display one on-premises sign not to exceed sixteen (16) square feet in area, advertising the price of said gasoline or diesel fuel.~~
- ~~7. Signs in shopping centers—In lieu of signs allowed under § 4.7.5.7 of the Ordinance, Shopping centers, as defined, each tenant within the shopping center may have a projecting or roof sign (where permitted) not to exceed thirty-six (36) square feet. Additionally each tenant within the shopping center shall be allowed wall signs not to exceed thirty (30) square feet. Notwithstanding the foregoing limitation on wall signage the wall signs may be increased to fifty (50) sq. ft. if both the exterior wall of the tenant space is 5ft feet or more from the street frontage and if that tenant has a floor area of at least 10,000 sq. ft. Shopping centers shall not have individual freestanding signs for each tenant, but instead shall have one common freestanding sign identifying the shopping center and the tenants therein. The overall size of the freestanding shopping center sign shall not exceed sixty (60) sq. ft. The shopping center freestanding sign may include a place name for the shopping center located at the top of the sign not to exceed twelve (12) sq. ft. in area and shall include tenant identification not to exceed forty-eight (48) sq. ft. in area. No one tenant's sign content shall exceed twenty-four (24) sq. ft. of the shopping center sign's area and shall not be less than six (6) sq. ft. unless the space demands on the sign requires it. The tenant area of the shopping center sign may either be utilized by identifying the name of the tenant's premises (such as Smith's Pet Shop) or by categorically identifying what the tenant's use is (such as bakery or florist). Additional signage shall be permitted on the interior of such shopping centers to provide building identification and serve on-site pedestrian and vehicular movements provided that each individual sign has a maximum size of sixteen (16) square feet and is set back a minimum of 20 feet from all property lines.~~
- ~~8. In all commercial districts, where a residence is also used for business purposes, one sign, which may be freestanding, wall, or projecting, is permitted, not to exceed 16 square feet in area and 15 feet in height above grade for freestanding signs or projecting signs.~~

~~4.7.5.8—Signs in the Industrial Districts—The following on-premises signs, identifying on-premises business or industrial uses, shall be allowed on conforming uses in the Industrial District, the Industrial Park District, and the Industrial 2 District:~~

- ~~1. One freestanding, projecting or roof sign not to exceed one hundred (100) square feet in area;~~
- ~~2. Wall signs, not to exceed four (4) square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed four hundred (400) square feet;~~
- ~~3. Industrial Parks, as defined, may erect one Industrial Park sign per entrance. Such sign shall not exceed fifty (50) square feet.~~

~~4.7.5.9—Maintenance of Signs—All signs shall be properly maintained and kept. Any sign which~~

advertisises a business, product, activity, or campaign which is no longer operative or extant shall be removed by the owner, agent, or person having the beneficial use of the structure or lot upon which such sign may be found, within ten (10) days after written notification from the town manager or Code Enforcement Officer. Upon failure to comply with such notice, the Code

~~Enforcement Officer or Town Manager is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or lot to which the sign is attached.~~

~~4.7.5.10.1, 7.5.2~~ Removal of Unlawful Signs

1. Removal of Unlawful On-Premises Signs.

1. ~~Notice to Remove:~~ The owner of a sign which was or is unlawfully erected or maintained either prior to or after the effective date of this ordinance shall be in violation of this ordinance until the sign is removed. The owner of the sign shall remove the sign within 30 days of receipt of a notice to remove, sent by certified mail, return receipt requested, by the Code Enforcement Officer. If the identity of such owner is not known or reasonably ascertainable by the Code Enforcement Officer, such notice may instead be sent to the owner of the land on which the sign is placed.
2. ~~Code Enforcement Officer to remove sign~~ Sign Removal: If the owner fails to remove the sign as required, the Code Enforcement Officer shall remove the sign at the expense of the owner without any further notice or proceeding and may recover the expense of this removal from the owner. All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of.
3. ~~Procedure for Notice, Hearing, Appeal:~~ The procedure for notice, hearing and appeal is as follows.
 - a. The Code Enforcement Officer shall send to the sign owner notice by certified mail, return receipt requested, that a sign is to be removed. Such notice shall be a final order if not appealed under §4.7.5.10.1.3.b. If the identity of such owner is not known or reasonably ascertainable by the Code Enforcement Officer, such notice may instead be sent to the owner of the land on which the sign is placed.
 - b. The person owning or controlling the sign may, within 30 days of his receipt of the notice to remove, appeal the order of removal to the Board of Appeals pursuant to Article 6 of this ordinance. All appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court.

2. Removal of Unlawful Off-Premises Signs

1. ~~Notice to Remove: Notice to remove~~ Because of the difficulty to identify those individuals that own, erect or established off-premise signs the Code Enforcement Officer shall contact the subject of the sign or their local representatives. The subject of the sign or their local representative shall remove the sign within 48 hours of receipt of a notice to remove, sent by certified mail, return receipt requested, by the Code Enforcement Officer. If the identity of such owner is not known or reasonably ascertainable by the Code Enforcement Officer, such notice may instead be sent to the owner of the land on which the sign is placed.
2. ~~Sign Removal: Code Enforcement Officer to remove sign~~ If the owner fails to remove the sign as required, the Code Enforcement Officer shall remove the sign at the expense of the owner without any further notice or proceeding and may recover the expense of this removal from the owner. All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of.
3. Removal of Signs from Right of Ways. Notwithstanding the notice to remove

provisions of this Article the Code Enforcement Officer, Public Works Director and Public ~~Safety Director~~ Safety Director shall have the authority to immediately remove signs located in public right-of-ways that are deemed to constitute a traffic hazard or impede snow removal. In such cases notification of the removal of the sign may be after the fact. Notice of removal shall be sent by certified mail, return receipt requested, by the Code Enforcement Officer. All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of.

4.7.6 Stormwater Management. Any development required to obtain approval under site plan review that proposes a cumulative land disturbance of greater than 20,000 square feet and less than one acre (43,560 square feet) must comply with the DEP Chapter 500 water quality requirements and provide post-development runoff locations and types that result in the same or less of an impact as those existing in the predevelopment condition. Post-development discharge points from a property shall be the same general location and be of the same type (e.g. sheet flow, shallow concentrated flow) as the pre-development discharge locations and types or create an improvement to existing conditions. The applicant shall provide the analysis, certified by a Maine registered professional engineer, necessary to document compliance. The permitting authority may authorize the use of stormwater drainage facilities located off site on privately owned land provided the applicant has obtained the right to use them and the powers necessary to ensure they will be properly maintained in good working order.

4.7.7 Flexibility in Design Standards. ~~Repealed [Date]. Any of the requirements set forth in any of the sections in section 4.7 (except § 4.7.4.6.10, Handicapped Parking which cannot be waived), may be eased upon the granting of a waiver by the permit granting authority. To grant a waiver, the permit granting authority must find that the applicant has submitted sufficient evidence to show that the granting of the waiver will not produce an unreasonably detrimental change in the character of the neighborhood, will not unreasonably detrimentally affect the use of surrounding properties, and that the requested waiver is not the result of action taken by the applicant or a prior owner. The permit granting authority will consider the impact of the requested waiver(s) on public safety, public health, and the minimization of nuisances in making its decision.~~

4.8 Signs – Section renumbered to 4.7.5 effective July 18, 2018

~~4.8~~

4.9 Filling and Grading of Land and Stockpiling of Materials ~~Repealed [Date].~~

4.12.12 Temporary Structures – Temporary structures necessary for the construction of approved facilities such as construction trailers, contractors offices, as well as, temporary office space, portable classrooms and similar structures are permitted in all zones. When the reason for their existence has been completed, they shall be removed. Persons contemplating erecting a temporary structure shall obtain a permit for such structure from the Code Enforcement Officer prior to erecting it. Permits for temporary structures shall be for no more than one (1) year from date of issuance. The Code Enforcement Officer may extend the duration of the permit one additional year for due cause. Structures which will be needed for longer than the one year time frame, or need extensions beyond the two years allowed by the CEO shall obtain the appropriate permits in accordance with the provisions of this Ordinance.

4.12.13 Mobile Homes

4.12.13.1 Purpose - To regulate mobile homes and mobile home parks; to establish minimum standards governing the construction and maintenance of mobile home parks; to establish minimum standards for utility service, facilities and site design in mobile home parks which serve to make such parks, decent, safe, and sanitary residential areas; to establish the responsibilities and duties for owners and operators of mobile home parks.

~~4.12.13.1.1~~ Administration of Mobile Home Parks. Mobile home parks shall be administered in accordance with the Town of Hampden Mobile Home Park Ordinance.

4.12.13.2 Mobile Homes Located Outside Mobile Home Parks

~~4.12.13.2.1~~ Non-Certified Mobile Homes. No person shall locate, maintain, occupy or operate a non-certified mobile home, as defined, in the Town of Hampden that fail to meet the standards found in *Article 8, Safety Standards of the Town Of Hampden, Maine Mobile Home Park Ordinance*. Written findings by the Code Enforcement Officer that the non-certified mobile home satisfies the standards of *Article 8, Safety Standards of the Town Of Hampden, Maine Mobile Home Park Ordinance* shall be required prior to locating said mobile home on a lot in the Town. Provided, however, that any non-certified mobile home in the Town of Hampden as of August 2, 2004 that is not located in a mobile home park may continue in accordance with §4.5.1 of this Ordinance. Such a mobile home shall not be replaced by another non-certified mobile home unless the replacement complies with the referenced safety standards.

~~4.12.13.2.2~~ Certified Mobile Homes. No person shall locate, maintain, or operate a certified mobile home, as defined, in the Town of Hampden outside a licensed mobile home park except in conformity with Article 3 of this Ordinance and the following:

1. All running gear including wheels, tires and axle assembly and all hitch assembly gear shall be removed from the mobile home.
2. The mobile home shall have a pitched, shingled roof with a minimum pitch of 2 in 12 (2 vertical units for every 12 horizontal units). A shingled roof shall mean asphalt or fiberglass composition or other similar materials.
3. In cases where a mobile home is not placed on a full foundation, the area below the unit shall be fully enclosed with skirting.
4. The mobile home shall have exterior siding which is residential in appearance, such as brick or masonry veneers, stucco or exterior plaster, wood siding, wood shingles, aluminum or vinyl siding simulating a clapboard pattern, or hardboard siding.

~~5.4 No certified mobile home may be located within the Residential A or Residential B districts.~~

~~4.12.13.2.3~~ No person shall locate, maintain or operate any other mobile home, as defined, in the Town of Hampden.

~~4.12.34.13.3~~ **Construction of a New Mobile Home Park or Modification of an Existing Mobile Home Park**

~~4.12.3.1~~ Procedure— Construction of a New Mobile Home Park shall require Site Plan approval and Major Subdivision Plan approval. Modification of an existing Mobile Home Park shall require Site Plan approval and may require Major or Minor Subdivision Plan approval as determined by the Planning Board. ~~The Planning Board shall apply the standards found in §4.13.3.3 Design Standards, §4.13.3.4 Utilities, §4.13.3.5 Road Construction and Traffic Standards,~~

~~4.13.3.1~~ ~~§4.13.3.6 Drainage, §4.13.3.7 Open Space and Recreation, §4.13.3.8 Landscaping, §4.13.3.9 Accessory Structures, and §4.13.3.10 Service Buildings to all applications for construction or modification of a Mobile Home Park.~~

~~4.12.3.24.13.3.2~~ Plans to be Submitted— Applicant shall submit plans prepared by a Registered Professional Engineer. The plans should be drawn to scale of not more than 100 feet to the inch. The plans shall include:

1. A location map of a scale not less than 500 feet equals one inch
2. A boundary survey prepared by a registered land surveyor
3. A topographic plan indicating the existing and proposed grading at a minimum of 2 foot intervals
4. The names of all abutting property owners of record
5. The size and shape of all lots numbered on the plan
6. The location of all parking areas
2. The right of ways, streets and pedestrian ways existing and/or proposed
3. The location of all manufactured housing units
4. The location of all utilities above ground and below ground and the easements therefore
5. The location of existing and proposed vegetation
6. The size and location of all recreation areas
7. Adjacent building outlines and other significant features within 300 feet
8. The location and use of all proposed accessory structures and signs
9. The location of all existing streams, drainage channels, and wetlands
10. The location, type, and intensity of all outdoor lighting
11. The location of drainage ways, culverts, and storm drainage facilities including size and inverts of facilities
12. The existing zoning

In addition to the above required plans detail drawings shall be required for the following:

1. Road construction: plan, profiles and cross sections
2. Utilities
3. Typical lot layout
4. Recreation areas and service buildings
5. Other details as requested by the Planning Board

~~4.12.34.13.3.3~~ **Design Standards**

Design Lot Dimensions Requirements	Dimensional Requirements Standard
Minimum Lot Area	6,6500 Sq. Ft. SE
Minimum Road Frontage	6055 Feet
Minimum Lot Depth	110 Feet
Minimum Setbacks:	
Street Yard Setback Other Yards	2030 Feet 10 feet
Other Yards Setback	10 Feet
Lot Coverage	30 Percent
Open Space (percent of lotted area)	2010 Percent

2. **Parking.**— All parking shall be designed in conformance with §4.7.1. ~~All mobile homes shall have a minimum of 2 off street parking spaces on each lot. In addition, mobile home parks with an excess of 40 units shall provide visitor parking at a rate of 1 space per 4 units. Cluster design shall permit clustered parking within 250 feet of the unit served. If mobile home lots are located along a public street, parking shall be designed and arranged so that cars do not have to back into the street. On street parking shall be prohibited.~~
3. **Access.**— Mobile home lots shall not have direct access to collector or arterial streets.
4. **Additional ~~Cluster~~ Design Standards for Mobile Home Parks:**
 1. ~~All electrical utilities must be located Underground, electrical utilities~~
 2. ~~A maximum of 32 dwelling units are allowed per approved Mobile Home Park of 32 units clustered with 30 foot open space break between clusters~~
 3. ~~All mobile homes must have a building separation of at least 20 feet. 24' separation between all units required~~

~~4.12.2.4.13.3.4~~ Utilities

1. **Water Supply Requirements:** All mobile home parks shall be connected to a public water supply, capable of furnishing a minimum of 150 gallons per day per mobile home space.
2. **Hydrants:** Hydrant locations shall be approved by the Fire Chief.
3. **Plumbing:** All plumbing in the mobile home park shall comply with State and local plumbing laws and regulations and shall be maintained in good operating condition.
4. **Sewage Disposal:** All mobile home parks in the Town of Hampden shall be connected to the public sewer system. Each mobile home space shall be provided with a satisfactory sewer connection. All sewage disposal apparatus, including appurtenances thereto, shall be provided, maintained, and operated in accordance with the Hampden Sewer Ordinance.
5. **Refuse and Garbage Disposal:** The storage, collection and disposal of refuse in the park shall not create health hazards, rodent harborage, insect breeding areas, accident hazards, or air pollution. All refuse and garbage shall be stored in fly-tight, watertight, rodent-proof containers, which shall be provided in sufficient number and capacity to prevent any refuse from overflowing. Satisfactory container racks or holders shall be provided by the mobile home park owner or operator and shall be located not more than 150 feet from any mobile home lot.
6. **Electric Installation and Outlet Requirements:** Mobile home service equipment and power outlet assembly will be installed in accordance with the National Electrical Code as adopted by the State of Maine.
7. **Lighting:** All outdoor lighting shall be designed ~~in accordance with §4.7.3 so as not to create a nuisance to the residents or abutters of the park. Streets shall have a minimum lighting level of 1.0 foot candle and pedestrian walkways .5 foot candles.~~

~~4.12.3.5~~ — **Road Construction and Traffic Standards: Mobile Home Parks shall may be constructed with public roadways to the Town's road standards, either public or private roadways. Public roadways shall be constructed to the towns road standards. Private roadways must provide a minimum of:**

1. ~~23 foot right of way~~
2. ~~20 foot paved surface~~
3. ~~Be designed by a registered professional engineer.~~
4. ~~Be built to generally accepted engineering and construction standards~~

~~5.8~~ Private roadways shall conform to Section 551 of the Town of Hampden, Maine Subdivision Ordinance.

4.154.16 Easements

4.15.14.16.1 Required Easements - If, in the administration of this Ordinance, the Town of Hampden requires that a landowner provide the town or the Hampden Water District with an easement of any kind, title to such easement shall be drawn up in a form and substance acceptable to the Town of Hampden (or the Hampden Water District if appropriate) and turned over to the town or water district before a building permit is issued.

4.15.2 Voluntary Easements - If a landowner requests that the Town of Hampden be the recipient of an easement on his property, such easement will only be accepted by the town if it is in a form and substance acceptable to the town. The town council shall determine if the easement is acceptable to the town. In making its decision the town council shall consult with the planning board.

4.164.17 Lots and Planned Group Development - Repealed 07-18-18

4.171.18 Essential Service - Whereas the provision of essential services is vital to the operation of the town and the welfare of its citizens and the size, shape and location of utilities offers little flexibility, the following exemptions shall apply to essential services and buildings for essential services.

4.17.14.18.1 Lot area, lot coverage and frontage shall not be required for the installation of essential services and buildings.

4.17.24.18.2 Above ground buildings for essential services shall meet the applicable yard requirements for the district in which they are located.

4.17.34.18.3 Above ground buildings for essential services shall be screened from residential properties to the extent possible.

4.17.44.18.4 Buildings and/or structures for essential service may exceed the height limitations of the zone in which they are located provided they are setback one third (1/3) the height from any property line.

4.19. Day Care Provisions

4.19.1 Purpose - In order to provide suitable day care opportunities in all areas of Hampden without adversely impacting the peaceful enjoyment of residential neighborhoods, day care facilities of all types which provide for the supervision and care of children under the age of sixteen shall comply with the following provisions.

4.19.2 Day Care Types:

- 4.19.2.1 Home Day Care
- 4.19.2.2 Day Care Facility
- 4.19.2.3 Child Care Center

4.19.3 Performance Standards:

- 4.19.3.1 Density: Day Care Facilities shall not exceed a density of 12 children per acre.
- 4.19.3.2 Outside Play Area: Outside play areas proposed as part of Home Day Care, Day Care Facility or Child Care Center shall be fenced and no closer than 25 feet to any adjacent property lines.
- 4.19.3.3 Hours of Operation: Home Day Care or Day Care Facilities located in the Residential A, Residential B or Rural Districts shall not operate between the hours of 7:00 pm and 6:00 am.
- 4.19.3.4 Parking: Home Day Care, Day Care Facilities and Child Care Centers shall provide one off-street parking space per four (4) children plus one (1) space per employee who does not reside on the premises.

~~4.19.3.5 Signs: Home Day Care may have one unlighted sign not to exceed four square feet. Day Care Facilities located in the Residential A, Residential B or Rural Districts may have an unlighted sign not to exceed 12 square feet.~~

~~4.19.3.6~~ 19.3.5 Employees: Day Care Facilities located in the Residential A, Residential B or Rural Districts may employ one (1) ~~non-resident employ~~ ~~cc~~ ~~person who does not reside on the premises.~~

~~4.19.3.7~~ 19.3.6 Day Care Facility. Notwithstanding the definition of Day Care Facility, when located in a commercial or industrial district this use is not required to be operated within a dwelling or by a person residing on the premises. Notwithstanding the definition of Day Care Facility, when located in a Rural District this use may be operated within a separate building on a lot common to a dwelling in which a person or persons operating the facilities reside.

~~4.19.3.8~~ 19.3.7 As part of the review process written comment shall be obtained from Hampden Public Safety to identify any child safety issues.

~~4.19.3.9~~ Child care centers located in the Residential B district shall be a re-use of an existing building, although building additions and alterations are allowed.

4.19.4 Approvals Required

4.19.4.1 Home Day Care is subject to §5.3.2.2 Certificate of Compliance regulations.

4.19.4.2 Day Care Facility is subject to approval as stipulated in §3.1.3, Use Table.

4.19.4.3 Child Care Centers operated as a business are subject to approval as stipulated in §3.1.3, Use Table.

4.20 Customary Rural Business - Repealed 7-18-18

4.21 Structures Necessary For Access For Person With Disabilities - Repealed 7-18-18

4.22 Wireless Telecommunications Facilities

4.22.1 Applicability - This subsection applies to all construction and expansion of wireless telecommunications facilities, as defined in §7.2, except as provided in §4.22.2 below.

4.22.2 Exemptions - The following are exempt from the provisions of §4.22:

4.22.2.1 Public Wireless Telecommunications Facilities. Wireless telecommunications facilities for communications by public officials.

4.22.2.2 Amateur (Ham) Radio Stations. Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC).

4.22.2.3 Parabolic Antennae. Parabolic antennae less than seven feet (7') in diameter, that are an accessory use of the property.

4.22.2.4 Maintenance or Repair. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.

4.22.2.5 Temporary Wireless Telecommunications Facilities. Temporary wireless telecommunications facilities, including temporary microcell wireless tele-communications facilities, in operation for a maximum period of one hundred eighty (180) days shall be permitted under the provisions of §4.12 Temporary Structures.

4.22.2.6 Antennas as Accessory Uses. An antenna or satellite dish that is an accessory use to a residential dwelling unit.

4.22.2.7 Microcell Wireless Telecommunication Facilities. Microcell wireless telecommunication facilities as defined in §7.2 when co-located on water towers.

4.24 Performance Standards for Methadone Clinics and Medical Marijuana Facilities

4.24

- 4.24.1 Adequacy of Building for the Subject Use.** The property and building for a ~~Methadone-Clinic~~Methadone Clinic or Medical Marijuana Facility shall be adequate to accommodate sufficient interior space so as not to have outside patient queuing on sidewalks, parking areas, and other areas outside of the building(s). The size of the inside waiting area shall be calculated at a minimum of 15 square feet per person based on total client capacity. A report from the Town of Hampden Code Enforcement Officer shall be submitted to the Planning Board as part of the site plan application regarding the adequacy of the building to meet this requirement.
- 4.24.2 Required Setbacks.** No ~~Methadone-Clinic~~Methadone Clinic or Medical Marijuana Facility shall be located within 500 feet of the property line upon which the ~~Methadone-Clinic~~Methadone Clinic or Medical Marijuana Facility is located and the nearest property line of a preexisting public or private school.
- 4.24.3 Maximum Number of Subject Use Within the Town of Hampden:**
- ~~4.24.3.1~~ **4.24.3.1** No more than one (1) ~~Methadone-Ce~~Methadone Clinic shall be located within the Town of Hampden.
- ~~4.24.3.2~~ **4.24.3.2** No more than one (1) Medical Marijuana Registered Dispensary may be located within the Town of Hampden.
- 4.24.4 Hours of Operation.** A ~~Methadone-Clinic~~Methadone Clinic or Medical Marijuana Facility shall only be open between the hours of 6:00 a.m. and 8:00p.m.
- 4.24.5 Signs and Advertising.** A ~~Methadone-Clinic~~Methadone Clinic or Medical Marijuana Facility shall conform to the provisions of §4.7.5, Signs, of this Ordinance. ~~In addition thereto, any freestanding or sign attached to building(s) in which the clinic is located shall clearly state that it is a Methadone-Clinic. There shall be no signage in any window and/or door, except for the hours of operation and the presence of a security system. Such signage (and advertising) must clearly indicate that the products and services are offered only for methadone clinic patients.~~
- 4.24.6 Security Requirements for Subject Use.** Security measures at a ~~Methadone-Clinic~~Methadone Clinic or Medical Marijuana Facility shall include at minimum the following:
- 4.24.6.1 Security surveillance cameras installed and operating twenty-four (24) hours a day, seven (7) days a week to monitor all entrances, along with the interior and exterior of the Clinic, to discourage and facilitate the reporting of criminal acts and nuisance activities occurring on the property;
 - 4.24.6.2 Door and window intrusion, robbery and burglary alarm systems with an audible on-site system and Police Department notification components that are professionally monitored and maintained in good working condition, using hard line traditional telephone communications and cellular communications;
 - 4.24.6.3 A safe affixed to the building in which it is located that is suitable for the secure storage for methadone and cash stored overnight in a Clinic;
 - 4.24.6.4 Deadbolt locks on all exterior doors and locks or bars on any other access point; and
 - 4.24.6.5 All security recordings shall be preserved for thirty (30) days by the management of the licensed Dispensary and/or Facility and/or Clinic.
- 4.24.7 Visibility Of Activities; Control Of Emissions; Disposal Plan for Subject Use.** Visibility of activities; control of emissions; disposal plan for a ~~Methadone-Clinic~~Methadone Clinic or Medical Marijuana Facility shall be as follows:
- 4.24.7.1 All activities of a ~~Methadone-Clinic~~Methadone Clinic or Medical Marijuana Facility shall be conducted indoors.
 - 4.24.7.2 Sufficient measures and means of preventing smoke, odors, debris, dust, fluids and other substances from exiting a Clinic must be provided at all times. Sufficient measures shall be

provided for the proper disposal of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable state and local laws and regulations.

4.24.7.3 Class II Buffers in accordance with §4.7.2 Buffers and Landscaping shall be provided along each lot line or at least along each line of the developed area of buildings and parking areas.

4.24.8 **Compliance With State and Local Law.** A ~~Methodone Clinic~~ Methodone Clinic or Medical Marijuana Facility shall meet all operating and other requirements of state and local law and regulation. To the extent the State of Maine has adopted or adopts in the future any stricter law or regulation governing ~~methodone clinics~~ these facilities, the stricter law or regulation shall control. Any ~~Methodone Clinic~~ Methodone Clinic or Medical Marijuana Facility shall adhere to the laws of the State of Maine and the State of Maine Regulations for Licensing and Certifying Substance Abuse Treatment Programs (14-118 CMR Chapter 5), as any the same may be amended from time to time, and to Ordinances and Codes of the Town of Hampden, as the same may be amended from time to time.

~~4.25 **Accessory Apartments Dwelling Units.** Notwithstanding the minimum lot size requirements of this Zoning Ordinance, construction of an accessory apartment is allowed upon the granting of a Conditional Use Permit either within or attached to a new or existing detached single family dwelling or within or attached to a new or existing detached accessory structure subject to the requirements below. It should be noted that properties within any zoning district that allows two family dwellings by right have the option of considering a second unit that is within the single family house to be a two family dwelling as opposed to an accessory apartment.~~

~~4.25.1 **Definition: Purpose.** For the purpose of this section, an Accessory Dwelling Unit (ADU) has the same meaning as Title 30-A M.R.S.A. §4301, Subsection 1-C. The purpose of the Accessory Apartment section is to:~~

~~4.25.2 **Permitted Use:** An Accessory Dwelling Unit is permitted in all zoning districts where a single dwelling unit is the existing principal use. A single dwelling unit of new construction is also permitted to construct an Accessory Dwelling Unit, provided the standards below are met.~~

~~4.25.4.25.3 **Accessory Dwelling Unit Standards:**~~

~~4.25.3.1 **Accessory Dwelling Units must meet the dimensional standards as defined in §3.4.1 of this Ordinance. However, an ADU does not count towards the total Max Gross Density calculation of that section.**~~

~~4.25.3.2 **Accessory Dwelling Units are subordinate to the single dwelling unit and therefore shall not occupy more than 50 percent of the Gross Floor Area (GFA) of the single dwelling unit.**~~

~~4.25.3.3 **Accessory Dwelling Units shall be designed in such a manner as to retain the appearance of the principal use of the property, as determined by the Code Enforcement Officer.**~~

~~4.25.4.1 **The Code Enforcement Officer shall allow reasonable deviation from these standards to allow installation of features that facilitate Provide homeowners with a means of providing relatives with housing, enabling the homeowners to provide care and companionship in a private home setting.**~~

~~4.25.4.2 **Provide homeowners with a means of obtaining, through tenants in accessory apartments, rental income, companionship, security, and services, and thereby to enable them to stay more comfortably in homes and neighborhoods they might otherwise be forced to leave.**~~

~~4.25.4.3 **Add rental units to the housing stock to meet the needs of smaller households, both young and old, and**~~

~~4.25.4.4 **Protect stability, property values, and the residential character of a neighborhood by ensuring that accessory apartments are installed only in owner-occupied houses and under such additional**~~

conditions as may be appropriate to further the purposes of this ordinance.

~~4.25.2 Accessory Apartment Standards. The following standards must be met for a Conditional Use Permit to be granted:~~

~~4.25.2.1 Only one accessory apartment may be created on the property.~~

~~4.25.2.2 The owner(s) of the residence in which the accessory apartment is located must occupy at least one of the dwelling units on the premises.~~

~~4.25.2.3 The accessory apartment shall clearly be a subordinate part of the single family dwelling, designed so that the appearance of the building remains that of a single family residence or detached accessory structure. Where feasible, any new entrances should be located on the side or rear of the building.~~

~~4.25.2.4 An accessory apartment shall occupy no more than 40 percent of the living area of the single-family home nor have more than two bedrooms. An addition to the original building is permitted provided that the addition is designed in such a manner as to retain the appearance of the building as a single-family dwelling or detached accessory structure (e.g. garage, carriage-house).~~

~~4.25.3.4 In order to provide for the development of housing units for disabled and handicapped individuals, the Planning Board will allow reasonable deviation from these limits to allow installation of features that facilitate access and mobility for the occupants handicapped or disabled individuals in cases where an accessory apartment is designed or remodeled for such individuals.~~

Wastewater Disposal Rules or the Town of Hampden Sewer Ordinance.

5.3.2 Certificate of Occupancy and Certificate of Compliance

- 5.3.2.1 Certificate of Occupancy.** A Certificate of Occupancy is required for any structure requiring a building permit.
1. After completion of the work permitted by the building permit and stabilization of the site, the applicant shall submit an application for a certificate of occupancy to the Code Enforcement Officer.
 2. The Code Enforcement Officer, Building Official, and Fire Inspector shall inspect the site and the Code Enforcement Officer shall issue the certificate of occupancy only upon finding that the building, structure, or site and the use or occupancy thereof comply with the provisions of this Ordinance, any other applicable codes/ordinances, and of any site plan or subdivision plan approved by the Planning Board (see certificate of compliance, below).
 3. The Code Enforcement Officer shall issue or deny the certificate of occupancy within fifteen days of receipt of the application.
 4. Certificates of occupancy for structures on subdivision lots may only be granted if the public improvements in accordance with the Planning Board approved Subdivision Plan or phase are completed and associated roads, if any, are accepted by the Town Council and approved by the Director of Public Works.
 5. The Code Enforcement Officer may issue one conditional Certificate of Occupancy, valid for no more than twelve (12) months from the date issued, upon the request of the permit holder, if in the judgment of the Code Enforcement Officer the portion or portions of the structure may be occupied safely. Once the structure is completed, the applicant shall apply for a "final" Certificate of Occupancy.
 6. The Code Enforcement Officer shall maintain a public record of all Certificates of Occupancy which are issued.
- 5.3.2.2 Certificate of Compliance.** A certificate of compliance is required for any development requiring a site plan approval, conditional use permit, or subdivision approval from the Planning Board. ~~A Certificate of Compliance is also required for Home Day Care.~~
1. After completion of the work permitted by the Planning Board and stabilization of the site, the applicant shall submit an application for a certificate of compliance to the Code Enforcement Officer. An As-Built Survey in both full size paper and digital format (pdf) must be submitted to the Code Enforcement Officer for any project that involved a site plan or subdivision plan.
 2. The Code Enforcement Officer, Fire Inspector, and Town Planner shall inspect the site and the Code Enforcement Officer shall issue the Certificate of Compliance only upon finding that the site, including all buildings, structures, site improvements, use, and occupancy comply with the provisions of this Ordinance, other applicable ordinances, and the site plan or subdivision plan and decision (Board Order) approved by the Planning Board.
 3. The Code Enforcement Officer shall issue or deny the certificate of compliance within fifteen days of receipt of the application.

ARTICLE 7 - DEFINITIONS

7.1 Construction Language - In this Ordinance, certain terms or words shall be interpreted as follows: The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied", the word "building" includes the word "structure" and the word "dwelling" includes the word "residence", the word "lot" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

Terms not defined shall have the customary dictionary meaning in the Merriam-Webster print or online dictionary.

7.2 Definitions - In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

~~**Accessory Dwelling Unit:** A self-contained dwelling unit located within, attached to or detached from a single dwelling unit located on the same parcel of land, as defined by M.R.S.A. Title 30-A §4301, Subsection 1 - CA separate housekeeping unit, complete with its own sleeping facilities, kitchen and sanitary facilities, that is contained within the structure of a single family dwelling or detached accessory structure on the premises.~~

~~**Accessory Use or Structure:** A use or structure of a nature customarily incidental and subordinate to those of the principal use or structure. ~~Accessory structure (mobile home park). A detached, subordinate structure, the use of which is clearly incidental and related to that of the principal structure or use of the land, and which is located on the same lot as the principal structure or use.~~~~

Adult Use Marijuana: Marijuana that is cultivated, manufactured, distributed, or sold by a marijuana establishment for adult use (i.e. non-medical use).

Adult Use Marijuana Cultivation: the planting, propagation, growing, harvesting, drying, curing, grading, trimming or other processing of marijuana for use or sale, including "nursery cultivation" as that term is used in 28-B MRSA Chapter 1. "Cultivation" does not include manufacturing, testing or marijuana extraction.

Adult Use Marijuana Product: a product composed of marijuana or marijuana concentrate and other ingredients that is intended for use or consumption, including but not limited to an edible marijuana product, a marijuana ointment and a marijuana tincture, but excluding marijuana concentrate.

Adult Use Marijuana Product 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. "Manufacture" does not include cultivation or testing.

Adult Use Marijuana Store: An entity licensed by the State of Maine to purchase adult use marijuana, immature marijuana plants and seedlings from an adult use marijuana cultivation facility, to purchase adult use marijuana and adult use marijuana products from an adult use marijuana products manufacturing facility and to sell adult use marijuana, adult use marijuana products, immature marijuana plants and seedlings to consumers.

Adult use marijuana testing: the research and analysis of marijuana, marijuana products or other substances for contaminants, safety or potency. "Testing" does not include cultivation or manufacturing.

Agriculture: The production, keeping or maintenance of plants and/or animals including but not limited to: forages and sod crops, grains and seed crops; dairy animals and dairy products; poultry products; livestock; fruits and vegetables; and other plants. Agricultural uses include wholesaling, retailing, and processing of agricultural products which are customary and accessory to an agricultural use, including having a farm stand for sale of agricultural products produced on site. Agriculture does not include forest management,

commercial nurseries and timber harvesting activities, or commercial cultivation of marijuana.

Agricultural Diversity Uses: Activities that are intended to diversify and supplement income generated on properties that are principally used for agriculture, and that are accessory uses to the principle agricultural uses of the property, including but not limited to farm-stay vacations, public events for education and enjoyment that directly relate to agricultural products, services, or experiences (e.g. horse show or competition, sheep shearing event).

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

Animals as Usual Pets: Those animals which by their type or behavior are suited to be pets in an urban or suburban neighborhood and which would not generally be disruptive to neighboring properties. Such animals include or are similar to dogs, cats, hamsters, rabbits, hen chickens, pigeons, or game hens. Such animals do not include roosters, nor wild animals such as raccoons, turkeys or deer.

Animals Other Than Usual Pets: Those animals which by their type or behavior are not generally suited to be pets in an urban or suburban neighborhood and which could be disruptive to neighboring properties. Such animals include horses, ponies, or similar animals. Such animals do not include wild animals such as raccoons, turkeys or deer. In addition, this definition includes animals as usual pets in quantities between 10 and 15.

Antiques Dealership: A business specializing in antiques, including trade or restoration work, and may be a store for retail sale, a workspace for refurbishing or restoration, or a large structure or space for holding auctions.

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

Arterial Street: Route 1A, ~~Kennebec Road~~ Western Avenue, Route 69 and Coldbrook Road from Route 202 to the Hermon Town Line.

Attached commercial development: A complex of commercial structures consisting of individual self-contained units which are joined by a common wall, but are accessible only from out-of-doors and not through the interior of other joined units.

~~Automobile graveyard: A yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles or parts of vehicles, and includes areas or buildings used for automobile dismantling, salvage, and recycling operations.~~

Automotive fuel station: A facility for the sale of gasoline or other fuels for automotive use. Such facilities may include convenience stores.

Automotive sales: A facility for the sale or rental of automobiles, motorcycles, trucks, recreational vehicles (including trailers), or other such motorized vehicle.

Automotive service: A facility providing repair or maintenance of automobiles, motorcycles, trucks, or recreational vehicles (including trailers). Such facilities may include an automotive fuel station or a carwash.

Average Daily Traffic (ADT): The average 24 hour volume of vehicular traffic on a roadway segment, being the total volume during a stated period divided by the number of days in that period.

Best Management Practices: "Best Management Practices" refers to the document "Maine Erosion and Sediment Control Best Management Practices" published by Bureau of Land and Water Quality, Maine Department of Environmental Protection, March, 2003 and as revised. "Best Management Practices" also means the erosion and sedimentation control practices and strategies contained in that document.

~~Bar, pub, tavern: Establishment or part of an establishment used primarily for the serving of alcoholic beverages and in which the service of food is incidental to the consumption of such beverages.~~

Bed and Breakfast: See Inn

Blasting: The use of explosives to break up or otherwise aid in the extraction or removal of rock or other

consolidated natural formation.

Blazed Tree: A tree from which a section of bark has been removed to display a visible spot that can be easily recognized.

Buffer: An area of land along with buffering vegetation (existing or planted), berms, walls, or fences, that is located along the boundaries a property to mitigate visual and sound impacts of a land use on the uses on abutting properties.

Buffering vegetation: Shrubs or trees which provide a screen that is opaque or nearly opaque year-round from the ground to a height of at least ten feet at maturity. Where existing vegetation is present which is not opaque year-round, but where the depth of the vegetated area is large enough to provide a similar effect, such vegetation will be considered consistent with this definition.

Building Authority: The Code Enforcement Officer ~~or his or her~~ designee.

Building coverage: The percentage of the lot covered by all buildings.

Building height: As defined by the current building code in effect in the Town of Hampden.

Business park: A subdivision of a tract of land, of twenty or more acres, into five or more lots, served by public water and sewer, with a master plan approved by the Planning Board, and intended primarily for commercial and/or industrial development. For the purposes hereof, a tract of land means all contiguous land in the same ownership.

Campground: Any area or tract of land designed or used to accommodate two (2) or more paying parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Certificate of Occupancy: A certification by the Town stating that a structure has been constructed in compliance with all applicable codes and approvals. This includes MUBEC, the Hampden Life Safety Code Ordinance, the Hampden Zoning Ordinance, the State of Maine Plumbing Code, and the building permit that was issued for the structure.

Certificate of Compliance: A certification by the Town stating that a development site has been constructed in compliance with all applicable codes and approvals. This includes the Hampden Zoning Ordinance, Hampden Subdivision Ordinance, and the approved site plan or subdivision plan for the development.

Certified manufactured home: See definition under "Manufactured housing".

Child Care Center: A building or buildings in which a person or persons maintains or otherwise carries out a program, for any part of the day, providing care and protection for 3 or more children. Child Care Centers, with or without consideration for the services rendered, may be operated as a service business or within a church or community building.

~~Cluster development: A method of land subdivision and development in which the developer is allowed to vary certain site development specifications such as lot size requirements in return for providing more open space and better site design than would result from conventional subdivision and development practices.~~

Code Enforcement Officer: A person appointed by the municipal officers to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include building inspector, plumbing inspector, electrical inspector and other duties assigned by the Town Council.

Conference Center: A facility that includes meeting or banquet rooms for the purpose of holding meetings, seminars, or other gatherings. Hotel accommodations, a bar, or a restaurant may be included as ancillary uses. A conference center differs from a hotel with meeting rooms in that the primary business is accommodating large gatherings.

Commercial Nursery: The propagation and sale of woody plants and other customary nursery products. Sale of non-agricultural products shall be limited.

Commercial Storefront: The first floor of a multi-story structure in which the glass area does not exceed 60% of the street facade measured from the ground elevation to the top of the lintel. In addition no one glass panel shall exceed 50 square feet in area.

Commercial Use: The use of lands, buildings, or structures, other than "Use of Residence for Business Purposes", as defined, the intent and result of which activity is the production of income from the buying or selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

Community building: A building owned by the municipality, RSU22, or a nonprofit organization which is used for educational, fraternal, cultural or recreational activities (e.g. auditorium, library, historical building, lodge, indoor swimming, performing arts center).

Community facility: Any land area, structure, building, location, equipment or combination thereof, operated for the purpose of providing public services for the residents of the Town of Hampden by the municipality, Hampden Water District, or local United States Post Office.

Conforming use: A use of buildings, structures or land which complies with all applicable provisions of this Ordinance.

Congregate care facility: Residential housing consisting of individual living and sleeping quarters and central dining facilities and within which a congregate housing supportive services program serves primarily elderly occupants which is licensed by the State of Maine.

Construction and Demolition Debris (CDD): Debris resulting from construction, remodeling, repair, and demolition of structures. It includes, but is not limited to, building materials, asphalt, wallboard, pipes, metal conduits, mattresses, household furniture, fish nets, rope, hose, wire and cable, fencing, carpeting and underlay; it excludes asbestos and other special wastes.

Day Care Facility: A dwelling in which a person or persons residing on the premises provides or maintains a regular program for consideration, for any part of the day, providing care and protection for four to twelve children.

Deck: A platform, without a roof or walls, either freestanding or attached to another structure, that may or may not have railings or access to the ground.

District: A specified portion of the municipality, delineated on the official zoning map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Disturbed area: Disturbed area is clearing, filling, grading and excavation. Disturbed area does not include routine maintenance, but does include redevelopment and new impervious areas. Routine maintenance, as it relates to disturbed area, is maintenance performed to maintain the original line and grade, hydraulic capacity, and original purpose of the facility. Paving an impervious gravel surface while maintaining the original line and grade, hydraulic capacity and original purpose of the facility is considered routine maintenance. Mere cutting of trees, without grubbing, stump removal, disturbance or exposure of soil is not considered disturbed area.

Drive through business: Any establishment ~~other than a drive-through restaurant~~ which offers service via a window, automated teller machine (ATM), or other means whereby the driver of the automobile does not have to exit the vehicle.

Drug store or Pharmacy: An establishment engaged in the retail sales of prescription drugs, non-prescription medicines, medical equipment or supplies, with or without other consumer products for sale, but not including the sale of marijuana or products containing marijuana.

Duplex: A group of two attached dwelling units located in a single structure, each separated with a fire-rated separation wall between each unit. Exterior entrances, parking areas, and/or garages are separate for each dwelling unit. ~~A two-family dwelling with a fire-rated separation wall between the two units and with the exterior designed to look like two separate units, e.g. separate front doors, separate garages, separate driveways etc.~~

Dwelling: A fixed structure, house, building, or part thereof which is occupied or intended to be occupied, in whole or in part, for living and sleeping by one (1) or more occupants. A dwelling may include one (1) or more dwelling units or rooming units or a combination of both.

~~Dwelling premises: the land and auxiliary buildings thereon used or intended to be used in conjunction with a~~

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for one family, including provisions for living, sleeping, cooking and eating. The term includes mobile homes but does not include travel trailers or recreational vehicles. The term also includes so-called "tiny homes" that are built to the standards in the residential building, energy, plumbing, electrical, and fire codes and which has a permanent foundation.

Earth: Topsoil, sand, gravel, clay, peat, rock or other minerals.

Elderly: For use in elderly housing and congregate care facilities. A residential development whereby eighty (80%) percent of the occupants have attained sixty-two (62) years of age or are fifty-five (55) years old and are receiving some type of disability income. In the case of double occupancy of a unit, only one (1) resident is required to meet the age or disability requirement. Documentation shall be provided to demonstrate that the proposed project will meet the criteria of this definition.

Enforcement authority: The building authority or their designee, and the health authority.

Essential services: The construction of gas, electrical, communication facilities; steam, fuel or water distribution systems; collection, supply or disposal systems. For the purposes of this definition, a disposal system shall not be construed to include a solid waste disposal facility. Such systems may include poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, and shall include buildings which are necessary for furnishing of such services but not administration, office, storage, or equipment servicing buildings. In order to qualify as an essential service, the service must be provided by a regulated public utility, the Town of Hampden, a water or sewer district, or a cable company that has a franchise agreement with the Town of Hampden.

Excavation: Any digging, mining, or removal of borrow, topsoil, loam, rock, sand, gravel, clay, silt, or other similar non-metallic earth materials whether alone or in combination.

Expansion of an existing excavation: An increase in the excavation, pit, quarry, and or stockpile as regulated in §4.23 which is clearly beyond the horizontal distance of any previously permitted or legally constituted area by a factor of 21,780 square feet.

Expansion of a structure: An increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached: decks, garages, porches and greenhouses.

Expansion of use: The addition of months to a use's operating season; the use of more floor area or ground area; the increase in the volume or height of a use, including but not limited to the storage or disposal of materials of any kind; or the extraction of additional material such as gravel excavation.

Extermination: The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the building authority

~~Family: Shall mean an individual occupying a single dwelling unit, or a group of two or more persons occupying a single dwelling unit and living together as a single householding unit, including the sharing of common living, sleeping, cooking and eating facilities. When occupancy of a dwelling unit is by a group of two or more persons, the group of persons occupying the dwelling must either be:~~

- ~~a. Related by blood, adoption, domestic partnership, or marriage; or~~
- ~~b. Comprised of two persons who are not related by blood, domestic partnership, adoption or marriage, and any children related to either or both of them by blood, adoption or marriage;~~
- ~~c. Comprised of persons, whether or not related to each other by blood, domestic partnership, adoption or marriage, but not to exceed four unrelated persons. Family shall not include a group of unrelated persons occupying a boarding home, rooming house, hotel/motel, tourist home or inn;~~
- ~~d. A Community Living Arrangement as defined by Title 30 A, Section 4357-A.~~

~~Note: For the purposes hereof, the number of unrelated persons occupying a dwelling unit shall be calculated as follows: Any persons related by blood, adoption or marriage plus one unrelated person shall be considered to constitute a total of two unrelated persons, and each additional unrelated person shall be added to determine the total number of unrelated persons occupying the dwelling unit. By way of example, two or more related persons occupying a dwelling unit combined with two unrelated persons occupying the dwelling unit yields a total of three unrelated persons occupying the dwelling unit.~~

Filling: Depositing or dumping any matter on or into the ground or water.

Freshwater wetland: For the purposes of shoreland zoning; freshwater swamps, marshes, bogs and other similar areas which are; ten (10) or more contiguous acres; or of less than ten (10) acres and adjacent to a surface water body, excluding any river, stream or brook such that in its natural state, the combined surface area is in excess of ten (10) acres; and inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils. Further, the freshwater wetlands regulated by the provisions of shoreland zoning shall be indicated on the Freshwater Wetland Map prepared by the Maine Geological Survey in 1983 and as amended (the upland edge of these wetlands need to be field verified).

Frontage, road: The continuous horizontal distance on a street or road, as defined by §7.2, between the intersection of the side lot lines with the front lot line. An abandoned/ discontinued road is not considered accepted road frontage. For a lot to meet minimum road frontage requirements for establishment of uses under the requirements of Article 3 of this Ordinance, the lot width must equal at least the minimum road frontage required (in the applicable district) for the continuous distance from the front lot line to the front setback line.

Frontage, shore: The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the shoreline at normal high-water elevation.

Functionally water-dependent uses: Those uses which require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot 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 storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters.

Grade: In relation to buildings, the average of the finished ground level at the center of each wall of a building.

Gravel Pit: An excavation for removal, processing, or storage of borrow, topsoil, loam, gravel, rock, sand, clay, silt, or other similar non-metallic earth materials whether alone or in combination.

Habitable room: A room used, or intended to be used, for living, sleeping, cooking, or eating purposes and excludes bathrooms, toilet rooms, laundries, pantries, halls, closets, heater rooms, utility rooms, and attics. Basement or cellar areas are not habitable rooms except as permitted in this article.

Hazardous waste: Any waste as defined by Title 38 MRSA, Section 1303(5), as amended, or by United States Environmental Protection Agency rules.

Hemp: The plant *Cannabis sativa* L. and any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis, or as otherwise defined in federal law. "Hemp" includes agricultural commodities and products derived from hemp and topical or ingestible consumer products, including food, food additives and food products derived from hemp, which in their final forms contain a delta-9-tetrahydrocannabinol concentration of not more than 0.3% or as otherwise defined in federal law. "Hemp" does not include marijuana for medical use pursuant to Title 22, chapter 558-C or adult use marijuana pursuant to Title 28-B, chapter 1.

Home Day Care: A dwelling in which a person or persons residing on the premises provides or maintains a

regular program for consideration, for any part of the day, providing care and protection for up to three children.

Home Occupation: See Use of Residence for Business Purposes.

Hotel: An establishment that provides temporary lodging for transient guests which has access to sleeping rooms from a corridor internal to the building. Hotels may or may not have public dining rooms, bars as an ancillary use, recreational or entertainment amenities, meeting rooms, or personal service facilities for the guests.

Individual Private Campsite: An area of land which is not associated with a campground, but which is developed for repeated camping by only one group and which involves site improvements which may include but not be limited to gravel pad, parking area, fire place, or tent platform.

Indoor Recreational Facility: A building or other structure used for recreational pursuits, such as but not limited to swimming, tennis, soccer, bowling, skating, arcade games, table tennis, card games, board games, or other similar activities.

Industrial Park: An area zoned Industrial Park District, or an area where two (2) or more industrial uses are grouped together on the same lot, or an area designed to serve two (2) or more industrial uses on the same lot.

Industry, Light: A use that involves the manufacturing, production, processing, fabrication, assembly, packaging, treatment, or repair of finished products, predominantly from previously prepared or refined materials or raw materials that do not need refining.

Industry, Heavy: Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other processes.

Infestation: The presence within a dwelling or on premises of a dwelling of rodents, vermin, or other pests, as determined through actual observation of them or by evidence of their presence.

Inn: A building that contains a dwelling unit occupied by an owner or resident manager in which guest rooms are offered on a day to day basis to the general public for compensation, either with or without meals. "Inn" includes such terms as "guest house," "bed and breakfast," and "tourist house."

Institutional building: A building or group of buildings used to provide a public service and operated by a Federal, State or local government, public or private utility, public or private school or college, tax-exempt organization, and/or a place of religious assembly. Examples include: public agency, public safety and emergency services, essential and utility services, cultural, service and religious facilities, public/private health facilities or other similar uses.

Kennel: A commercial establishment where domestic animals (e.g. cats or dogs) are boarded (for day or longer periods), trained, or bred.

Level of Service (LOS): A rating of the quality of traffic flow on a roadway segment or intersection ranging from A (excellent) through F (failure).

Living quarters for personnel: A dwelling unit that is an integral part of a non-residential building or complex which is occupied either on an occasional basis or a full time basis by the property owner, business owner, or vital personnel such as security or operations employees. Such living quarters may be occupied by such person's family in cases of full-time occupancy.

Lagoon: An artificial enlargement of a waterbody, primarily by means of dredging and excavation.

~~**Lodging or rooming house:** A building of residential character usually in a neighborhood, usually a converted large dwelling, several rooms of which are rented to guests usually staying more than two (2) weeks. Rental rooms do not include cooking facilities (if they did they would be dwelling units).~~

Lot (aka Parcel): A contiguous piece of land in identical ownership throughout, bounded by other lots or by streets and not divided by a street or river, and used or set aside and available for use as a site for one or more buildings or other definite purpose. For the purpose of this ordinance, a lot may or may not coincide with a lot

Mobile Vendor: Any transient business utilizing a motorized vehicle, or object towed by a motorized vehicle, to prepare and/or sell food or general goods to the general public including, but not limited to: food trucks, trailers, carts, or wagons.

Mobile home: For the purpose of this ordinance mobile home shall have the same meaning as manufactured home.

Mobile home lot: Means a minimum area of land on which an individual mobile home may be situated within a mobile home park and which is reserved for use by the occupants of that home. Lots shall be designated on the mobile home park plan.

Mobile home park: Means a parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured homes.

Mobile home stand: That part of an individual mobile home lot which has been constructed and reserved for the placement of a mobile home.

Motel: An establishment which provides temporary lodging for transient guests and in which the rooms are directly accessible from an outdoor parking area.

Multi-family building: A building containing more than two (2) dwelling units.

Multi-family development: A development that consists of three or more dwelling units in one or more buildings on a single parcel of land. This includes developments with two or more two-family buildings on a single parcel, ~~except for those that can meet the provisions of §3-A-2-12.~~

Municipal Solid Waste: Any solid waste emanating from household and normal commercial sources, excluding construction and demolition debris.

Nonconforming lot: A lot which was in existence on the effective date of adoption or amendment of this Ordinance which does not conform to the dimensional requirements of this Ordinance (e.g. lot size, frontage).

Nonconforming structure: A building or structure which was in existence on the effective date of adoption or amendment of this Ordinance which does not conform to the dimensional requirements of this Ordinance (e.g. setbacks, height, building coverage).

Nonconforming use: A use which was in existence on the effective date of adoption or amendment of this Ordinance which is not listed as a use permitted by right or by conditional use in the Use Table.

Non-profit club: A meeting or recreational facility owned or leased and operated by an organization which is fraternal, religious, recreational, charitable, or literary in nature and which operates as a nonprofit enterprise (e.g. Rotary Club). This does not include facilities categorized as commercial or industrial uses (e.g. store, processing, or warehouse).

Normal high-water line: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

Nursing home: A facility which provides nursing care and medical services prescribed by or performed under the general direction of persons licensed to practice medicine. Nursing home shall include both skilled care and intermediate care facilities licensed by the State of Maine. For the purpose of this Ordinance, convalescent home shall mean the same as nursing home.

Occupant: Any person, including an owner or operator, residing in or having actual possession of a dwelling unit or rooming unit.

Office: A place (room, suite of rooms, or building) for the transaction of business where the functions of conducting the business or profession are performed, records are kept or services rendered, but where little or no retail sales are offered and where no manufacturing, assembling or fabricating takes place. Examples include but are not limited to professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses or real estate agents; corporate headquarters; data processing; sales offices; government or public utility offices; and TV and radio studios. Office uses may be either the primary use or an accessory use.

Open Space Ratio: A ratio of open space to gross lot area. To calculate, divide the land area of open space set aside by the gross site area.

OPEN SPACE AREA

GROSS AREA

Petroleum extraction or refining: The act of removing from the ground any gas, oil, or other hydrocarbon substance, or the processing of such substances into fuels, lubricants, or other useful materials.

Place of assembly: Any building or use of land to accommodate the gathering, seating or entertainment of ten or more people, including but not limited to banquet halls, movie theaters, auction halls, museums, galleries, private membership clubs or lodges, and enclosed recreation centers, but excluding places of worship, hotels, and motels.

Place of worship: A structure or site used for religious assembly, such as but not limited to church, synagogue, mosque, or temple.

Premises: One (1) or more lots which are in the same ownership and are contiguous or separated only by a road or waterbody, including all buildings, structures and improvements.

Preschool: A service business whereby an instructional program is provided for compensation to three (3) or more children between the ages of one (1) and five (5) years.

Principal building: The primary use to which the premises is devoted, and the main purpose for which the premises exists.

Private Event Venue: A facility (building or portion of a building, outdoor areas, and related parking areas) which is made available to individuals or groups to accommodate private functions including but not limited to weddings, receptions, anniversaries, private parties, business meetings, fundraisers, banquets, and dances, but not concerts, events open to the general public, or events for which an admission or other charge (monetary or not) is imposed on individual attendees, with the exception of fundraisers.

Private Membership Club or Lodge: An organization or facility which is open to people upon invitation, nomination, or payment of fees or dues, for social, recreational, and/or entertainment activities.

Private road or street: An area of land that provides access to more than one principal structure and is privately owned, provides vehicular access to approved lots and has not been dedicated to public use other than access by emergency and public safety vehicles, and is maintained by its private owners.

Processing, Food: The processing of food, seafood, aquacultural, or agricultural products for use or consumption primarily off the premises. Such activities include, but are not limited to: commercial bakeries, roasteries, breweries, bottling facilities, distilleries, and facilities for commercial food processing and/or packaging. Food processing does not include a use in which the principal activity is the rendering, storage, and/or treatment of animal or fish wastes – known as industrial processing. The processing of wastes created on the premises is allowed as an accessory use to a food processing facility and subject to receipt of a Conditional Use permit.

Processing, Industrial: For industrial uses, including but not limited to: treating, converting, filtering, screening, coating, heating, separating, refining or otherwise altering the initial state, form, or substance of materials and the collection, sorting, or handling of solid waste or of construction and demolition debris. This definition does not include transfer stations or on-site disposal of solid waste, nor any type of processing of medical or adult use marijuana, nor petroleum refining.

Protected Natural Resource: As defined in 38 MRSA Section 480-B Subsection 8.

Pub: see Bar.

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.

Public Works Projects: A project for the Town, other municipal entity, or the State of Maine including, but not limited to, the Maine Department of Transportation.

Quadplex: A group of four attached dwelling units located in a single structure, each separated with a fire-rated separation wall between each unit. Exterior entrances, parking areas, and/or garages are separate for each dwelling unit.

Quarry: An excavation for the extraction of rock.

Reclamation: The rehabilitation of an area of land affected by excavation or mining.

Research and development: A facility where research, development, and testing is conducted that does not involve the mass manufacture, fabrication, processing, or sale of products. This does not include any such activity related to marijuana (medical or otherwise).

Residential use: A lot with one or more dwelling units, including any outdoor areas where the residents of the units can be expected to normally spend time, such as a deck, patio, yard, play area, or garden.

Restaurant/Food Service: ~~An establishment that primarily serves prepared food meals and beverages to the general public for consumption. The establishment may consist of a drive-in or drive-through, carryout, and/or sit-down facilities and may also include the sale of alcoholic beverages upon receipt of required licensing pursuant to M.R.S.A. Title 28-A. The establishment could be an ancillary use to a Hotel/Motel or Inn, drive-in or drive-through. A high turnover restaurant that includes drive-up or drive-through facilities.~~

~~Restaurant, high turnover: An eating establishment with turnover rates normally of less than one hour, with or without take-out facilities. Examples include but are not limited to coffee shops, sandwich or pizza shops, ice-cream shops, bakeries, and fast-food establishments.~~

~~Restaurant, low turnover: A sit-down eating establishment with turnover rates generally of more than one hour. Typically these restaurants do not serve breakfast, and many serve only dinner, and often include alcoholic beverages.~~

Retail sales: The sale or rental of merchandise to the general public. Retail sales shall be limited to merchandise typically kept in stock on the premises. Retail sales shall allow accessory service unless prohibited elsewhere in this Ordinance. Retail sales shall not include the sale of adult use marijuana as defined in this ordinance in any form or for any purpose.

River-dependent uses: Any non-residential use that requires direct access to the Penobscot River, such as but not limited to fishing facilities (finfish or shellfish processing, storage, and marketing facilities), boating facilities (docks, marinas, boat building, and shipyards), and industrial uses dependent on water-borne transportation.

Road or street: Shall mean a right-of-way in the Town of Hampden intended for motorized traffic which is one of the following:

- a. Maintained by the Town of Hampden, the County of Penobscot, or the State of Maine.
- b. Is shown on and has been constructed in accordance with a plan of a subdivision which has been duly approved by the Hampden Planning Board and recorded in the Penobscot County Registry of Deeds and has not been vacated as a result of 23 M.R.S.A. §3032, 23 M.R.S.A. §3031, 23 M.R.S.A. §3027, or 23 M.R.S.A. §3027-A.
- c. Is a private road, owned, established, and maintained by an individual, corporation, or any group such as but not limited to a property owner's association and shown on a plan which has been recorded at the Penobscot County Registry of Deeds, provided no more than two primary structures (e.g. houses) obtain their frontage from the private road right-of-way, and that legal access to the lot(s) exists elsewhere (e.g. in a deeded access easement across another lot).
- d. ~~Is a private road right-of-way created in a lot split and shown on a plan which has been recorded at the Penobscot County Registry of Deeds, provided no more than two primary structures (e.g. houses) obtain their frontage from the private road right-of-way, and that legal access to the lot(s) exists elsewhere (e.g. in a deeded access easement across another lot).~~

Rock: A natural substance, a solid aggregate of one or more minerals (for example, granite, a common rock, is a combination of the minerals quartz, feldspar and biotite). Removal from the earth requires cutting, blasting, or similar methods of forced extraction.

~~Rooming houses: Any dwelling, or part thereof, containing three (3) or more rooming units in which space is rented or offered for rent by the owner or operator to be occupied or intended to be occupied by three (3) or more persons who are not related by blood or marriage to the owner or operator~~

~~Rooming unit: One (1) or more rooms forming a single unit used, or intended to be used, for living and sleeping purposes, but not designed for food preparation, by two (2) or more persons living in common or by a person living alone~~

School, commercial: A private, for profit school established to provide for the teaching of industrial, business, clerical, managerial, artistic, or other technical skills. Examples include automobile or truck driving school, beauty school, book-keeping school, secretarial school, music school, and dance school.

School, K-12: A public, private, or parochial school offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools of Maine.

School, post-secondary: An institution for higher learning that grants associate, bachelor, master, or doctoral degrees and may also have research facilities.

Screening: Is either:

- a. a hedge or buffer strip at least five (5') feet wide consisting of densely planted shrubs or trees, at least four (4') feet in height at the time of planting, and eventually reaching a mature height of at least six (6') feet, or
- b. a wall or fence at least six (6') feet in height, but not exceeding eight (8') feet, which provides an effective visual barrier.

Self-service storage facility: A building or group of buildings divided into separate compartments leased or licensed to and designed to meet the storage needs of individuals, organizations, and businesses.

Service building: a building within a mobile home park which provides shelter for people or equipment which is exclusively used in the operation of the park or for the sole use of the residents of the park. Service buildings shall not contain retail sales or service businesses except for the sale or rental of units located within the park. Allowable structures: including but not limited to, community buildings, recreational halls, equipment storage buildings, common laundry facilities and management offices.

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

Setback from water: The minimum horizontal distance from the normal high-water elevation to the nearest part of a structure.

Shielding: For purposes of an excavation, pit, quarry, and or stockpile as regulated in §4.9 and §4.23 shielding shall mean isolation from view. Such visual isolation may require mechanisms such as planting of screening or fences within or inside of the natural buffer strips or setback areas.

Shopping center: An area where three (3) or more businesses are grouped together on the same lot and use common, off-street parking.

Shoreland area: All land area within two hundred fifty (250') feet horizontal distance of the normal high-water line of the following water bodies: Ben Annis Pond, Hammond Pond, Hermon Pond, Patten Pond, Penobscot River, Souadabscook Stream and West Branch Souadabscook Stream; and all land area within one hundred (100') feet horizontal distance of the normal high-water line of the following waterbodies: Brown Brook (from West Branch Souadabscook Stream to Maine Route No. 69) and Reed Brook (from Main Road to Bangor and Aroostook track); and all land area within two hundred fifty (250') feet of the upland edge of a coastal or freshwater wetland.

Sign: Structure, device, letter, word, model, banner, pennant, insignia, flag, or other representation which is used as or is in the nature of advertisement, announcement, or direction. The area of a sign is the area of the geometric shape exemplified by a square, rectangle, triangle, circle, etc., encompassing all lettering, wording,

~~Sign, Industrial park: A pole sign or a projecting sign directing the public to an industrial park. Such sign may identify the name of the industrial park and the name of uses, services, or businesses located on the premises but shall not describe goods or brand or trade name except in instances where the brand name and company are identical. Such sign shall be a maximum of fifty (50) square feet.~~

Sign, Pole: Shall mean any sign which is supported by structures or supports in or upon the ground and independent of support from any building.

~~Sign, Projecting: Shall mean any sign, other than a wall sign, affixed to any building or wall whose leading edge extends beyond such building or wall by more than twelve (12") inches.~~

Sign, Roof: Shall mean any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

~~Sign, Shopping Center: A pole or a projecting sign directing the public to a shopping center. Such sign may identify the name of the shopping center and the name of shops or stores located in the shopping center. In addition, the sign may contain information about the shopping center of a general nature, such as its hours of operation. However, it shall not describe goods or brand or trade name except in instances where the brand name and business name are identical.~~

Silt or clay: A material that consists of particles of such size that forty-five (45) percent or more of the fraction of those particles able to pass through a three (3) inch sieve pass through the United States Standard Number 200 sieve, or a material that exhibits similar erosion potential, difficulty of stabilization, or runoff based upon gradation, plasticity, permeability, or other relevant criteria.

~~Single family dwelling~~ **Single dwelling unit:** A building constructed for residential occupancy by one family, which is not attached to any other dwelling unit except for a permitted accessory apartment. This definition includes a "Certified Manufactured Home".

Skirting: Shall mean the enclosure of the area below the unit with aluminum or vinyl, exterior grade plywood, chipboard, or matched boards on a wooden frame or masonry. Interior grade plywood, particle board or plastic or tarpaper are not acceptable materials.

~~Snack bar: Accessory use of a business, industry, school, or community use in which food, beverage and confection is offered or sold to guests, members, customers, or patrons and may include a refreshment stand in a school or park but such use is strictly incidental and subordinate to the primary use. On premises cooking and preparation of food shall be limited to hot and cold beverages, confections such as cookies, donuts and ice cream, pre-packaged foods to be heated in a microwave oven, and hot dogs from a steam tray. Alcoholic beverages shall not be served or consumed on site.~~

Solid waste: Useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example and not by limitation, rubbish, garbage, scrap materials, junk refuse, inert fill material and landscape refuse, but shall not include septic tank sludge or agricultural wastes.

Solid waste disposal: The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that the solid waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.

Solid waste facility: Any land area, structure, location, equipment or combination of them, used for handling solid waste.

Stockpile(s): Any area(s) where either man-made or natural materials are being piled up temporarily, either undercover or exposed to the elements, for future processing and or distribution. These piles are only for materials that are necessary for uses which have been approved by the Planning Board.

Stormwater: Stormwater shall mean storm water runoff, snow melt runoff, and surface runoff and drainage. "Stormwater" has the same meaning as "storm water".

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

Supplied: Installed, furnished, or provided by the owner at his or her expense

Swimming pool: Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

Swimming pool, barrier: A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

Swimming pool, indoor: A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

Swimming pool, outdoor: Any swimming pool which is not an indoor pool.

Swimming pool, residential: Any swimming pool which is situated on the premises of a detached one or two-family dwelling or a one-family townhouse not more than three stories in height.

~~**Lavette. See One-Tiny Home:** A living space permanently constructed on a frame or chassis and designed for use as permanent living quarters as defined by M.R.S.A. Title 29-A §101, Subsection 80-C.~~

Topsoil: The top layer of soil that is predominantly fertile and ordinarily moved in tillage or the equivalent of such a layer in uncultivated soils.

Tourist home: See Inn.

Tract: An area of land consisting of one or more parcels which is the subject of a development proposal.

Travel trailer: A vehicle designed to be moved on wheels and intended as a temporary dwelling for travel, recreation, and vacation use. This term also includes campers, recreational vehicles, so-called "tiny homes" if mounted on a chassis, and other similar short term devices.

Trailer park: A plot of ground on which two (2) or more trailers, occupied for dwelling or sleeping purposes, are located.

Transfer station: Any solid waste facility constructed or managed for the transfer of household or municipal solid waste.

Tributary Stream: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material of bedrock, and which flows to a water or wetland as defined. The term stream does not include "stream" previously defined and only pertains to tributary streams within the shoreland zone.

~~**Two-family dwelling/Triplex:** A group of three attached dwelling units located in a single structure, each separated with a fire-rated separation wall between each unit. Exterior entrances, parking areas, and/or garages are separate for each dwelling unit. A building constructed for residential occupancy by two families, including duplexes. This definition does not include a single-family dwelling with a permitted accessory apartment.~~

Use: The purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

Use of Residence for Business Purposes: The subordinate use of a dwelling unit or structure accessory to a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services, with the exception that neither adult use marijuana sales nor adult use marijuana social clubs shall be operated under these provisions. There are three categories of such use, which are defined in §4.10 of this ordinance: home business, customary home occupation, and home based contractor.

Veterinary hospital: An establishment where pets or other animals are given medical or surgical treatment and are cared for and boarded during the time of such treatment.

Warehouse: A facility for storage and/or distribution of manufactured products, supplies, and equipment; does not include self-service storage facilities.