TOWN OF HAMPDEN, MAINE

ZONING ORDINANCE

Adopted by Referendum

March 13, 1979

As Amended

Effective Date: March 16, 2026

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ZONING ORDINANCE

CERTIFIED BY:



Jenn Mahon, Town Clerk 3/16/2026
Date

Town Clerk
Affix Seal

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ARTICLE 1 - GENERAL ADMINISTRATION

1.1. Title and Purpose

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Hampden, Maine" and will be referred to herein as this "Ordinance". It is enacted by the inhabitants by dividing the Town into zones and regulating the use and construction of buildings and premises with a view to encourage the most appropriate use of land in the Town of Hampden, Maine.

1.2. Basic Requirement

All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved, and all uses of premises in the Town of Hampden shall be in conformity with the provisions of this Ordinance. No building, structure, land or water area shall be used for any purpose or in any manner except as permitted within the district in which such building, structure, land, or water area is located.

1.3. Severability

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

1.4. Conflict with Other Ordinances

This Ordinance shall in no way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law. Where this Ordinance imposes a greater restriction upon the use of the land, buildings, or structures, the provisions of this ordinance shall prevail.

1.5. Amendment

1.5.1. Initiation of Amendment - An amendment to this Ordinance may be initiated by:

1.5.1.1. The Planning Board, provided a majority of the board has so voted;

1.5.1.2. Request of the Town Council to the Planning Board;

1.5.1.3. Written petition of one hundred (100) registered voters of the town;

1.5.1.4. Town Staff provided there has been changes in state statutes, rules, codes, or standards that effect this ordinance; or

1.5.1.5. Written application from the property owner seeking a change of the zoning classification for the owner's property, or any portion thereof (i.e. a map amendment). Any person or entity with a legally binding interest in or to said property may make such an application, provided such person or entity submits satisfactory evidence of such interest and written documentation from the property owner authorizing such person or entity to make application for the change of zoning classification.

1.5.2. Text Amendments - Any proposed amendment to the text of this Ordinance that has not been initiated by the Planning Board shall be referred to the Planning Board for its review and recommendation.

1.5.3 Zoning District Amendments (Map Amendments)

1.5.3.1. Owner Initiated: The owner of a property seeking a change in the zoning classification of his/her property (see §1.5.1.4*)* shall file a zoning map amendment application, together with payment in accordance with the Town of Hampden Fees Ordinance, with the planning office.

1.5.3.2. Petition Initiated: The person or entity who initiated a petition to amend the zoning classification of any property or group of properties shall be responsible for filing a zoning map amendment application, together with payment in accordance with the Town of Hampden Fees Ordinance, with the planning office.

1.5.3.3. Town Initiated: When a map amendment is initiated by the Planning Board, the board shall forward a memorandum fully describing the proposed amendment to the Town Council for information purposes only, prior to holding the public hearing. When a map amendment is initiated by the Town Council, the council shall refer the proposed amendment to the Planning Board for a public hearing as required by statute.

1.5.4 Process:

1.5.4.1. Public Hearing: Upon receipt of an application, memorandum, or referral, the planning office shall schedule a public hearing to be conducted by the Planning Board on the proposed amendment within sixty (60) days of receipt.

1.5.4.2. Notice Requirements: Prior to said public hearing, and in accordance with the requirements of this Ordinance and the laws of the State of Maine, notice of said hearing shall be given. The notice shall include, but not be limited to, the date, time and place of the hearing, a short description and, for proposed map amendments, a map showing the boundaries of the current and proposed zoning districts, and the location where the proposed amendment can be viewed.

1. Publishing Requirements: Said notice shall be published twice in a daily newspaper of general circulation in the Town of Hampden, the first at least twelve (12) days and the second at least seven (7) days in advance of said hearing.

2. Posting Requirements: Said notice shall be posted in the Town Offices at least thirteen (13) days prior to the hearing.

3. Abutter Notification Requirements: For proposed map amendments, said notice shall be sent by U.S. Mail to all persons initiating the proposed map amendment, to all persons owning property within the boundaries of the proposed map amendment, and to all persons owning property within three hundred (300') feet of the exterior boundaries of the area affected by the proposed change. For purposes of the notices required under this section, the owners of property shall be considered to be those against whom taxes were assessed on the prior April 1. Failure of any person owning property within said three hundred (300') feet to receive notices provided herein shall not necessitate another hearing or invalidate any action by the Planning Board or the Town Council.

1.5.4.3. Planning Board Recommendation: The Planning Board shall make a recommendation of approval or denial for any proposed amendment, and may make a recommendation of approval with modifications for any proposed amendment. To constitute Planning Board approval the amendment and any proposed modifications thereto must receive at least four (4) affirmative votes from the board. In all cases, the Planning Board shall forward their recommendation to theTown Council; this shall be done within 14 days of the completion of the public hearing and, when the proposed amendment was referred to the Planning Board from Town Council, within ninety (90) days of the date of said referral. Failure of the board to make a recommendation within the allotted time shall constitute a recommendation of denial for the purposes of this Ordinance.

1.5.5 Adoption of Amendment

1.5.5.1. Text amendments not involving the zoning classification of property may be adopted by a majority vote of the Town Council members present and voting, if the amendment is recommended by the Planning Board, or by a two-thirds majority vote of the Town Council members present and voting, if the amendment is not recommended by the Planning Board.

1.5.5.2. Map amendments may be adopted by a vote of five (5) Town Council members present and voting, if the amendment is recommended by the Planning Board, or by a vote of six (6) Town Council members present and voting, if the amendment is not recommended by the Planning Board.

1.5.5.3. Amendments adopted by the Town Council shall become effective thirty (30) days after the dateof adoption.

1.5.5.4. The Department of Environmental Protection shall be notified by the municipal clerk of zone changes (map amendments) in areas impacted by the Shoreland Zoning Ordinance within thirty (30) days of the effective date of such amendments.

ARTICLE 2 - ESTABLISHMENT OF ZONES

2.1. Zoning Districts

To implement the provisions of this Ordinance, the Town of Hampden is hereby divided into the following districts:

1. Rural District (R)
2. Residential A District (RA)
3. Residential B District (RB)
4. Seasonal District (S)
5. Rural Business District (BR)
6. Business District (B)
7. Business B District (BB)
8. Town Center District (TC)
9. Commercial Service District (CS)
10. Waterfront District (W)
11. Interchange District (INT)
12. Industrial Park District (IA)
13. Industrial District (IB)
14. Industrial 2 District (I2)

2.2. Purpose of Districts

2.2.1. ***Rural District*** - The intent of this district is to protect and promote the rural use and character of the area, to provide for traditional agricultural and open space uses, and to provide for low density residential development where appropriate. It is intended that much of the residential development occurring in this district will be either dispersed in nature or, where the developer chooses, will be clustered with extensive open space surrounding the development.

2.2.2. ***Residential A District*** - This district is intended for the development of low density one-family dwelling unit types. While this district is predominately intended for detached housing the district mayallow certain low impact civic and institutional uses.

2.2.3. ***Residential B District*** - These areas are designated for a mixture of residential uses: one-family dwelling unit, multi-family, and mobile home parks, developed as either individual lots, conventional subdivisions orcluster subdivisions. In addition, the RB District shall allow certain low impact nonresidential uses.

2.2.4. ***Seasonal District*** - This district is designed to provide for seasonal residential use of waterfront areas so that the process of accelerated nutrient enrichment of water bodies, which almost always accompanies shoreland development, will be kept to a minimum. This district additionally allows for traditional recreational uses associated with waterfront areas, as well as for forest and agricultural uses.

2.2.5. ***Rural Business District*** - These areas are designed to provide a location for commercial facilities designed to serve the needs of rural residents. Large commercial enterprises, designed to serve the needs of the whole community, should not be encouraged in these areas.

2.2.6. ***Business District*** - These areas are intended to provide a location for commercial enterprises. The focus of commercial development in these areas should be retail sales and service businesses designed to meet the needs of the community.

2.2.7. ***Business B District*** - This district is intended to provide a location for larger commercial developments (in excess of 10,000 sq. ft. of floor area) in central locations of Hampden.

2.2.8. Town Center District - The Town Center District is established to accommodate the daily or frequent shopping needs of the Hampden consumer. The style, appearance, and placement of buildings, parkingand landscaping will be regulated to promote consistency with existing buildings and residential uses. The Town Center District shall encourage pedestrian circulation and face to face retail sales.

2.2.9. Commercial Service District – This district is intended for the location of heavy commercial uses, wholesale uses, office buildings, automotive type of uses such as sales and service, convenience storesand commercial service type of uses. In general this area is devoted to service or wholesale uses.

2.2.10. Waterfront District - This district is intended for the location of a wide variety of water dependent andwater related uses as well as commercial retail and service uses. In general this area is devoted to uses that are consistent with the Shoreland Zoning General Development uses. Furthermore it is recognizedthat limited land area is available for such uses thus innovative development standards are required.

2.2.11. Interchange District - This district is intended to provide areas for motels, restaurants, service stationsand similar uses that provide accommodations for tourists and other travelers using Interstate 95. Residential structures in existence prior to January 1, 1979 may be repaired or modified and accessorystructures may be added, provided minimum setback requirements are met.

2.2.12. Industrial Park District - This district is established to provide a location for fully serviced industrial development. It is intended that land within this district will be protected from encroachmentof non-industrial uses, however, the district also contemplates planned business parks with a more diverse mixture of uses and development standards implemented in a closely managed context.

2.2.13. Industrial District - These areas are set aside for non-service intensive industrial uses which do notrequire the amenities of an industrial park and which would fit into the surrounding rural area with ease. Industries needing public sewer or water are not expected to locate in these areas.

2.2.14. Industrial 2 District - The Industrial 2 District is established to accommodate all types of industrialand commercial uses. No recreational use shall be allowed in this district. As used in this section, recreational uses include but are not limited to campgrounds; facilities for amusement or entertainment; and facilities for the operation of recreational vehicles.

2.3. Location of Districts

Districts are located and bounded as shown on the Official Zoning Map which is adopted by reference. The Official Zoning Map shall be identified by the signature of the town manager and attested by the signature ofthe town clerk. The aforesaid signatures shall be affixed and dated at the time of adoption or amendment of this Ordinance. Additional copies of the Official Zoning Map shall be available at the town office.

2.4. Uncertainty of Boundary Location

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

2.4.1. Centerlines - Boundaries indicated as approximately following the center lines of streets, highways, alleys, railroads, or other rights-of-way shall be construed to follow such center lines;

2.4.2. Lot Lines - Boundaries indicated as approximately following well established lot lines shall beconstrued as following such lot lines;

2.4.3. Water Boundaries - Boundaries indicated as approximately following shoreline shall be construedas following the mean high tide line if such exists; otherwise it shall be construed as following the shoreline. In the event of natural change in the shoreline, the boundary shall follow the change in the shoreline. Boundaries indicated as following the center line of a body of water shall be construed as following such center line;

2.4.4. Features - Boundaries indicated as being parallel to features, natural or man-made, shall be soconstrued;

2.4.5. Determination of Distances - Distance not specifically indicated on the Official Zoning Map shallbe determined by scale of map;

2.4.6. Existing Structures - Existing structures located in more than one zoning district shall be subjectto the provisions of the zoning district in which the majority of the structure is located, provided no portion of the structure is located in a shoreland area or in another municipality.

2.4.7. Questions of Interpretation - Where question of interpretation of the Official Zoning Map arises,the Board of Appeals shall interpret the district boundaries. All appeals for interpretation of the Official Zoning Map shall be subject to the provisions *Article 6* of this Ordinance and of the Town ofHampden 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.

2.5 Parcels In More Than One Zoning District

The intent of this ordinance is to allow full utilization of a parcel of land that is divided by a zoning district boundary line as depicted on the Official Zoning Map. Although the use of any portion of such a parcel of land shall be governed by the permitted and conditional uses allowed in the zoning district in which said use islocated, the remaining portion of such a parcel of land shall be counted for the purposes of satisfying lot area, road frontage, setback, lot/ground coverage, and density requirements of the zoning district in which the principal use is located.

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 eachzoning 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, inaccordance 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 inthe 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; theUse 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.

Section 3.1.3 - Use Table

Key: P = Permitted by Right (may still require Site Plan Review), C = Conditional Use, and N = Not Permitted

Defined	if shaded see provisions in sec. 3.2		Residential Districts				Business Districts							Industrial Districts		
			Rural	Res A	Res B	Seasonal	Rural Bus	Bus	Bus B	Town Center	Comm Service	Water - front 1	Inter-change	Ind Park	Ind	Ind 2
A - Agricultural/Recreational Uses:																
✓	A-1	agriculture	P	N	N	N	N	N	N	N	N	N	N	N	N	N
	A-2	agric product processing when not accessory to agric use	C	N	N	N	N	N	N	N	N	N	N	P	N	N
	A-3	forestry	P	P	P	N	P	P	P	P	P	N	N	N	P	P
✓	A-4	commercial nursery	P	P	P	N	P	P	P	N	P	N	N	N	P	P
✓	A-5	park or playground	C	N	N	N	N	P	N	N	P	N	N	N	N	N
✓	A-6	indoor recreational facility	P	P	P	P	P	P	P	P	P	P	P	N	N	N
✓	A-7	outdoor recreation	C	N	N	N	C	P	P	C	P	P	P	N	N	N
	A-8	golf course	P	N	N	N	N	C	N	C	P	P	C	N	N	N
✓	A-9	campground	P	N	N	N	N	N	N	N	N	N	N	N	N	N
✓	A-10	individual private campsite	C	N	N	C	N	N	N	N	N	C	N	N	N	N
✓	A-11	water recreational facility, low intensity	P	C	C	P	N	N	N	N	N	N	N	N	N	N
✓	A-12	water recreational facility, high intensity	P	C	C	P	N	N	N	P	P	P	N	N	N	N
✓	A-13	private event venue	C	N	N	C	N	N	N	C	C	C	N	N	N	N
A-ACC - Uses Accessory to Agricultural/Recreational Uses:																
✓	A-ACC-1	agricultural diversity uses	C	N	C	N	N	N	N	N	N	N	N	N	N	N
B - Residential Uses:																
✓	B-1	one-family dwelling	P	P	P	P	P	P	P	P	P	N	N	N	N	N
✓	B-2	two-family dwelling	P	P	P	P	C	P	N	P	N	N	N	N	N	N
✓	B-3	multi-family development	C	C	P	N	N	P	N	P	C	P	N	N	N	N
✓	B-4	manufactured housing park (see §4.13)	C	N	N	N	N	N	N	N	N	N	N	N	N	N

Key: P = Permitted by Right (may still require Site Plan Review), C = Conditional Use, and N = Not Permitted

Defined	if shaded see provisions in sec. 3.2		Residential Districts				Business Districts							Industrial Districts		
			Rural	Res A	Res B	Seasonal	Rural Bus	Bus	Bus B	Town Center	Comm Service	Water - front 1	Inter-change	Ind Park	Ind	Ind 2
B-ACC - Uses Accessory to Residential Uses:																
✓																
✓	B-ACC-1	use of residence for business purposes, home business (see §4.9)	P	P	P	P	P	P	P	P	P	N	P	N	P	N
✓	B-ACC-2	use of residence for business purposes, customary home occupation (see §4.9)	C	C	C	C	C	C	C	C	C	N	C	N	C	N
✓	B-ACC-3	use of residence for business purposes, home based contractor (see §4.9)	C	N	N	N	C	C	C	N	C	N	C	N	C	N
✓	B-ACC-4	accessory dwelling unit (see §4.25)	P	P	P	P	P	P	P	P	P	N	P	N	N	N
✓	B-ACC-5	animals as usual pets	P	P	P	P	P	P	P	P	P	P	P	P	P	P
✓	B-ACC-6	animals other than usual pets	P	C	C	N	C	N	N	C	N	N	N	N	N	N
C - Educational Uses:																
✓	C-1	day care facility (see §4.19)	C	C	C	N	N	P	C	C	C	N	N	N	N	N
✓	C-2	child care center (see §4.19)	C	N	C	N	N	P	C	P	P	N	N	P	N	N
✓	C-3	preschool	C	N	N	N	N	P	C	P	P	N	N	P	N	N
✓	C-4	school, K-12	C	C	C	N	N	C	C	C	N	N	N	N	N	N
✓	C-5	school, post-secondary	C	N	N	N	N	C	C	C	P	N	N	P	N	N
✓	C-6	school, commercial	C	N	N	N	N	C	C	C	C	C	N	P	P	P
D - Medical Uses:																
✓	D-1	nursing home	C	C	C	N	N	P	P	C	P	N	N	N	N	N
✓	D-2	congregate care facility	C	C	P	N	N	P	P	C	P	N	N	N	N	N
✓	D-3	adult day services	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	D-4	hospital	C	C	C	C	C	C	C	C	C	C	C	C	C	C
✓	D-5	medical office or clinic	C	N	N	N	C	C	C	C	C	N	C	C	C	C
✓	D-6	methadone clinic (see §4.24)	N	N	N	N	N	N	N	N	C	N	N	C	C	C

Key: P = Permitted by Right (may still require Site Plan Review), C = Conditional Use, and N = Not Permitted

Defined	if shaded see provisions in sec. 3.2		Residential Districts				Business Districts							Industrial Districts		
			Rural	Res A	Res B	Seasonal	Rural Bus	Bus	Bus B	Town Center	Comm Service	Water - front 1	Inter-change	Ind Park	Ind	Ind 2
E - Utility/Government Uses:																
✓	E-1	essential service (see §4.17)	P	P	P	P	P	P	P	C	P	P	P	P	P	P
	E-2	public or private utility that is not essential service	C	C	C	C	C	C	C	C	C	C	C	P	P	P
✓	E-3	wireless telecommunications facilities (see §4.22)	P	N	N	N	P	N	N	N	N	N	P	P	P	P
✓	E-4	solid waste facility	C	N	N	N	N	N	N	N	N	N	N	N	C	N
✓	E-5	community facility	C	C	C	N	C	P	C	C	P	N	N	P	P	P
✓	E-6	community building	C	C	C	N	C	P	C	P	P	P	N	P	P	P
✓	E-7	other governmental facility	C	N	N	N	C	C	N	N	C	N	C	C	C	C
F - Institutional Uses:																
✓	F-1	place of worship	C	C	C	N	N	P	P	P	P	N	N	N	N	N
✓	F-2	non-profit club	C	C	C	N	C	P	P	P	P	P	N	N	N	N
	F-3	cemetery	C	C	C	N	N	C	C	C	C	N	N	N	N	N
G - Commercial/Office Uses:																
✓	G-1	retail sales	N	N	N	N	C	P	P	P	P	P	P	N	N	N
✓	G-2	antique dealership	C	N	N	N	P	P	P	C	P	N	N	N	N	N
✓	G-3	office, business or professional	N	N	N	N	N	P	P	P	P	P	P	P	P	P
✓	G-4	kennel	C	N	N	N	N	C	N	N	C	N	N	C	N	C
✓	G-5	veterinary hospital	C	N	N	N	P	P	C	C	P	N	N	P	N	P
✓	G-6	automotive fuel station	N	N	N	N	C	P	N	C	P	N	P	N	N	N
✓	G-7	automotive sales	N	N	N	N	C	C	C	N	P	N	N	N	N	N
✓	G-8	automotive service	N	N	N	N	C	C	C	C	P	N	P	N	C	N
	G-9	boat sales, service, and storage	N	N	N	N	N	N	N	N	P	P	N	N	N	N
✓	G-10	inn	C	N	C	N	C	P	P	C	N	P	P	N	N	N
✓	G-11	hotel or motel	N	N	N	N	C	C	C	C	P	P	P	N	N	N
	G-12	conference center	N	N	N	N	N	N	N	N	C	P	P	P	N	N
✓	G-13	restaurant/food service	N	N	N	N	C	P	P	P	P	P	P	P	N	N
✓	G-14	place of assembly	N	N	N	N	N	C	C	C	P	P	N	N	N	N
	G-15	funeral home	N	N	N	N	N	P	C	C	P	N	N	N	N	N
	G-16	self-service laundromat	N	N	N	N	P	P	P	C	P	N	N	N	N	N
✓	G-17	drive-through business	N	N	N	N	C	C	C	C	C	N	C	N	N	N

Key: P = Permitted by Right (may still require Site Plan Review), C = Conditional Use, and N = Not Permitted

Defined	if shaded see provisions in sec. 3.2		Residential Districts				Business Districts							Industrial Districts		
			Rural	Res A	Res B	Seasonal	Rural Bus	Bus	Bus B	Town Center	Comm Service	Water - front 1	Inter-change	Ind Park	Ind	Ind 2
G - Commercial/Office Uses: (con't)																
✓	G-18	mixed residential/ commercial use	N	N	N	N	C	C	C	P	P	P	N	N	N	N
✓	G-19	business park	N	N	N	N	N	N	N	N	C	N	N	P	N	C
✓	G-20	self-service storage facility	C	N	N	N	C	P	N	N	P	N	N	P	P	P
✓	G-21	outdoor storage	C	N	N	N	C	N	N	N	C	C	N	C	P	P
H - Industrial Uses:																
✓	H-1	research and development	N	N	N	N	N	N	N	N	N	N	N	P	P	P
✓	H-2	warehouse	N	N	N	N	N	N	N	N	N	N	N	P	P	P
✓	H-3	wholesale	N	N	N	N	N	N	N	N	C	N	N	P	P	P
✓	H-4	manufacturing	N	N	N	N	N	N	N	N	C	N	N	P	P	P
✓	H-5	processing, industrial	N	N	N	N	N	N	N	N	N	N	N	C	C	C
✓	H-6	industry, light[1]	N	N	N	N	N	N	N	N	C	N	N	P	P	P
✓	H-7	river-dependent uses	N	N	N	N	N	N	N	N	C	C	N	N	N	N
	H-8	truck terminal	N	N	N	N	N	N	N	N	N	N	P	C	P	P
✓	H-9	processing & excavation, gravel pit, quarry activities (see §4.23)	C	N	N	N	N	N	N	N	N	N	N	N	C	C
✓	H-10	stockpiles not accessory to excavation, gravel pit, or quarrying	C	N	N	N	C	C	N	N	C	C	N	C	C	C
✓	H-11	industry, heavy[2]	N	N	N	N	N	N	N	N	N	N	N	C	C	C
	H-12	automobile graveyard	N	N	N	N	N	N	N	N	N	N	N	N	N	N
✓	H-13	petroleum extraction or refining	N	N	N	N	N	N	N	N	N	N	N	N	N	N
✓	H-14	processing, food	N	N	N	N	N	C	C	C	P	N	N	P	P	P
I - Accessory Uses to Non-Residential Uses:																
✓	I-1	outdoor storage	C	N	N	N	N	C	C	N	P	P	P	P	P	P
✓	I-2	living quarters for personnel	P	N	N	N	P	P	P	P	P	P	P	P	P	P
✓	I-3	outdoor dining	C	N	N	N	C	C	C	C	C	C	C	C	N	N
✓	I-4	retail sales	C	N	N	N	C	C	C	C	C	C	C	C	N	C

Key: P = Permitted by Right (may still require Site Plan Review), C = Conditional Use, and N = Not Permitted

Defined	if shaded see provisions in sec. 3.2		Residential Districts				Business Districts							Industrial Districts		
			Rural	Res A	Res B	Seasonal	Rural Bus	Bus	Bus B	Town Center	Comm Service	Water - front 1	Inter-change	Ind Park	Ind	Ind 2
J - Cannabis Uses:																
✓	J-1	medical cannabis registered caregiver 1	N	N	N	N	N	N	N	N	P	N	P	P	P	P
✓	J-2	medical cannabis registered caregiver 2	N	N	N	N	N	N	N	N	C	N	C	C	C	C
✓	J-3	medical cannabis registered caregiver 3	N	N	N	N	N	N	N	N	N	N	N	N	C	C
✓	J-4	medical cannabis registered caregiver retail store	N	N	N	N	N	N	N	N	N	N	N	N	N	N
✓	J-5	medical cannabis registered dispensary 1	N	N	N	N	N	N	N	N	N	N	N	N	N	N
✓	J-6	medical cannabis registered dispensary 2	N	N	N	N	N	N	N	N	N	N	N	N	N	N
✓	J-7	medical cannabis manufacturing facility 1	N	N	N	N	N	N	N	N	N	N	N	N	N	N
✓	J-8	medical cannabis manufacturing facility 2	N	N	N	N	N	N	N	N	N	N	N	N	N	N
✓	J-9	medical cannabis manufacturing facility 3	N	N	N	N	N	N	N	N	N	N	N	N	N	N
✓	J-10	medical cannabis testing facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N
✓	J-11	adult use cannabis cultivation facility 1	N	N	N	N	N	N	N	N	N	N	N	N	N	N
✓	J-12	adult use cannabis cultivation facility 2	N	N	N	N	N	N	N	N	N	N	N	N	N	N
✓	J-13	adult use cannabis cultivation facility 3	N	N	N	N	N	N	N	N	N	N	N	N	N	N
✓	J-14	adult use cannabis nursery cultivation facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N
✓	J-15	adult use cannabis products manufacturing facility 1	N	N	N	N	N	N	N	N	N	N	N	N	N	N
✓	J-16	adult use cannabis products manufacturing facility 2	N	N	N	N	N	N	N	N	N	N	N	N	N	N
✓	J-17	adult use cannabis testing facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N
✓	J-18	adult use cannabis store	N	N	N	N	N	N	N	N	N	N	N	N	N	N

Key: P = Permitted by Right (may still require Site Plan Review), C = Conditional Use, and N = Not Permitted

Defined	if shaded see provisions in sec. 3.2		Residential Districts				Business Districts							Industrial Districts		
			Rural	Res A	Res B	Seasonal	Rural Bus	Bus	Bus B	Town Center	Comm Service	Water - front 1	Inter-change	Ind Park	Ind	Ind 2
J - Cannabis Uses:		***(con't)***														
✓	J-19	adult use specified event sales	N	N	N	N	N	N	N	N	N	N	N	N	N	N
✓	J-20	personal adult use of cannabis and cannabis products	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Footnotes:

1. *Specific uses listed in the Table of Uses that could also be categorized as light industry shall be regulated under the specific use.*
2. *Specific uses listed in the Table of Uses that could also be categorized as heavy industry shall be regulated under the specific use.*

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 parenthesisrefer to the item numbers in the Table of Uses.

3.2.1 Multi-Family Developments (B-3) 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 showingthe 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 inthe ground, render the project financially unfeasible, the permit granting authority may approvea 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 districtwhere the limit is two dwelling units in a single structure.

3.2.1.3 Multi-family developments must provide a minimum of 40% of the parcel as permanent openspace.

3.2.1.4 The minimum building 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', orwhen 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 unlessthe Planning Board makes a finding that a different location would be beneficial to the abutters.

3.2.2 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 or the number of hen chickens. Notwithstanding these limits, properties in the Rural district which are at least 5 acres may have an unlimited number of animals.

3.2.3 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 is a minimum of 2.5 acres. Notwithstanding these limits, properties in the Rural district which are at least 5 acres may have an unlimited number of animals.

3.2.4 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, therequired other yard(s) setback must be increased by 50% along the applicable lot lines.

3.2.5 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 orIndustrial 2 district.

3.2.6 Nursing Home (D-1): Must be connected to public water and sewer facilities and have direct access toan 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.

3.2.7 ***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 peracre 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.

3.2.8 ***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.

3.2.9 ***Public or Private Utility that is not Essential Service*** (E-2): In the Residential A or B districts, a Class IBuffer 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.

3.2.10 ***Solid Waste Facility*** (E-4): Any facility that is licensed, permitted, or otherwise approved for the management, transportation, transfer and disposal of solid waste, recyclables, organic waste including composting, and wasted to energy processes. This does not include incineration or landfilling operations.

3.2.11 ***Community Facility*** (E-5): In the Residential A district, storage and maintenance facilities are notallowed as the principal use of a site.

3.2.12 ***Community Building*** (E-6): Must be connected to any available public water and sewer facilities. Community buildings may also infill their vacant space with low-traffic uses including, but not limited to business or professional offices, a single storage space consisting of records management, and other similar uses as determined by the Code Enforcement Officer.

3.2.13 ***Place Of Worship*** (F-1): Facilities must be connected to any available public water and sewer facilities and have direct access to a major collector or an arterial street.

3.2.14 ***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.

3.2.15 ***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.

3.2.16 ***Antique Dealership*** (G-2): In the Rural district, antique dealership is an allowed use on a property thathas 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.

3.2.17 ***Kennel*** (G-4): 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.

3.2.18 ***Veterinary Hospital*** (G-5): Any outdoor enclosure where animals are kept must be located at least 50feet 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.

3.2.19 ***Automotive Fuel Station*** (G-6): 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.

3.2.20 ***Automotive Service*** (G-8): 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.

3.2.21 ***Inn*** (G-10): 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.

3.2.22 ***Restaurant/Food Service*** (G-13): This use includes a bar, pub, or tavern. See §3.2.32 for Outdoor Dining.

3.2.23 ***Funeral home*** (G-15): 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.

3.2.24 ***Drive-Through Business*** (G-17): No part of the vehicle queue may be located within 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 I buffer (see §4.7.2.4 Classification of Buffers). 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 ***Mixed residential/commercial use*** (G-18): 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.

3.2.26 ***Business park*** (G-19): 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.

3.2.27 ***Outdoor storage*** (G-21): 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 I buffer (see §4.7.2.4 Classification of Buffers).

3.2.28 ***Industrial uses*** (H): All industrial uses, whether allowed by right or by Conditional Use, must complywith the Performance Standards in §4.4.

3.2.29 ***Processing*** (H-5): In the Industrial Park district, rendering facilities are prohibited.

3.2.30 ***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.

3.2.31 ***Living quarters for personnel*** (I-2): No more than one dwelling unit is allowed on a site.

3.2.32 ***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 I buffer (see §4.7.2.4 Classification of Buffers)

3.2.33 ***Retail sales as an accessory use*** to non-residential uses (I-4): In the Rural district, limited to no more than 3,000 square feet including both indoor and outdoor space. In all districts where allowed, limited to no more than 49% of the gross floor area of the building(s) plus outdoor display or storage areas.

3.2.34 ***Cannabis uses*** (J): Site Plan Review and Conditional Use Review is only required if specified in the Town of Hampden Cannabis Ordinance. The performance standards regulated in the Town of Hampden Cannabis Ordinance are in addition to Site Plan and Conditional Use approval standards in this ordinance.

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 may approve the placement of a manufactured housing, tiny home, or recreational shelter 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 temporary housing unit shall not be occupied or left onsite for a period greater than 12 months, with the option for one (1) 12-month renewal or extension. The temporary housing unit may be placed within required setback areas but not closer than five feet from the property line if necessary to avoid conflict with the construction or reconstruction of the permanent residence. The temporary housing unit 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 time period, whichever comes first. No more than one (1) temporary housing unit may be located on a single parcel at a time.

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

4 ***Food Trucks*** must have property owner permission to park, can be parked for less than 120 days and must follow State rules and guidelines.

4.1 Dimensional Requirements

4.1.1 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%	50'
	Town Center	10,000 SF	4.00	50'	0'	0'	50%	75%	50'
	Business	12,500 SF		75'	35'	20'	20%	40%	50'
	Business B	1 AC		100'	30'	15'	20%	40%	50'
	Commercial Service	20,000 SF		100'	30'	10'	30%	50%	50'
	Waterfront 1	20,000 SF		None	10'	10'	50%	75%	50'
	Interchange	1 AC		200'	30'	20'	40%	60%	50'
Ind.	Industrial Park	1 AC		50'	20'	20'	30%	70%	50'
	Industrial	2 AC		150'	50'	35'	25%	50%	50'
	Industrial 2	None		50'	10'	10'	30%	70%	50'

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

4.1.2 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 or less	10′	5′	5′	10′	0′	5′
Medium	201-599 SF	15′	10′	10′	10′	0′	20′
Large	>600 SF or more	30′	25′	25′	25′	0′	20′

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

3.4.2.2 Multi-Family Developments:

1. Multi-family developments in the Rural district may have a maximum gross density of 2 dwelling units per acre (DU/AC).
2. Multi-family developments in all other permitted districts may have a maximum gross density of 8 DU/AC.

3.4.2.3 The required frontage for lots fronting on a cul-de-sac maybe reduced to 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 one-family dwellings 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'.

3.4.2.5 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'.

3.4.2.6 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.

3.4.2.7 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.

3.4.2.8 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).

3.4.2.9 In the Commercial Service, Waterfront 1, Interchange, Industrial Park, Industrial, & Industrial 2 districts a building's height may exceed the maximum building height in table 3.4.1 if the following are met:

1. For every one (1) foot of height increases above the maximum building height limit all setback distances will increase the same amount for all yards; and
2. The property must be served with municipal water and install additional fire hydrants if requested by the Hampden Fire Department.

ARTICLE 4 - GENERAL REGULATIONS

The following regulations pertain to all districts unless otherwise indicated.

4.1. Site Plan Review

4.1.1 ***Purpose***. This section is to protect the health, safety, convenience and general welfare of the inhabitants of the Town by providing for a review of plans for uses and structures which do not require subdivision review and may have significant impacts both within the site and in relation to adjacent properties and streets on pedestrian and vehicular traffic, public services and infrastructure, environmental, unique and historic resources, or on abutting properties or community needs, and to minimize potential adverse impacts of such development.

4.1.2 ***Multi-level review.*** There are three levels of review for site plans: minor revision, for modifications to approved site plans; minor site plan, for alterations to existing developments that meet certain thresholds; and major site plans for all new development and alterations to existing developments that exceed those thresholds. The Code Enforcement Officer is hereby authorized to act upon Minor Revision applications, Staff Review is hereby authorized to act upon minor site plans,and the Planning Board is hereby authorized to act upon major site plans and any applications referredor appealed from the Code Enforcement Officer or the Staff Review Committee.

4.1.3 ***Applicability***. The following activities for all uses except one-family dwelling unit detached or two family residential dwellings require site plan review. Site plan review is not required for agricultural uses or structures which do not involve customers or the general public visiting the site on a regular basis, norfor accessory agricultural structures such as farm stands which do involve customers. The Planning Board may waive the requirement for site plan review for essential services if they are owned and maintained by the Town of Hampden or the Hampden Water District. No building permit, certificate of occupancy, or certificate of compliance can be issued until a site plan has received approval under this §4.1.

4.1.3.1 Minor revision to approved site plan. For the purposes of computing the total increase in the footprint of the structure, the aggregate area of all such applications made within the five previous calendar years will be used. Minor revisions include:

1. Expansions which increase the footprint of the structure by 500 square feet or less, and exceed 50% of the footprint of the existing structure, provided additional parking spaces beyond what is provided on the approved site plan are not required. (Those that do not exceed 50% of the footprint of the existing structure only require a building permit.)
2. Alteration of utility service by elevation changes, changes in pipe size, or relocation.
3. Re-grading which does not adversely impact adjacent properties or the public stormwater management system.
4. Adding landscaping, plantings, or fences.
5. Rearranging parking spaces in compliance with applicable design requirements.
6. Expansion of an existing paved area not associated with increases in building size where the paved area will be enlarged by less than 2,000 square feet, whether used for access, parking, loading, or storage purposes.
7. Change of use from one use category to another (e.g. residential to commercial), where in the opinion of the Code Enforcement Officer the change will not alter the use of the site to the extent that minor site plan review is necessary to further the purposes set forth in §4.1.1.

4.1.3.2 The following require Minor Site Plan Review. For the purposes of computing the total increase in the footprint of the structure, the aggregate area of all such applications made within the five previous calendar years will be used.

1. Expansions which increase the footprint size of the structure by more than 500 square feet but less than 2,000 square feet.
2. Construction of new accessory structures that have a footprint of more than 500 square feet but less than 2,000 square feet. (Those that have a footprint of 500 square feet or less only require a building permit.)
3. Expansions which increase the footprint size of the structure, or construction of new accessory structures, where the total additional area is less than 10,000 square feet, where the property is within an approved subdivision (e.g. Hampden Business Park).
4. Construction of a new access way, parking lot, loading area, or outdoor paved storage area up to 4,000 square feet.
5. Expansion of an existing paved area not associated with increases in building size where the paved area will be enlarged by more than 2,000 but less than 4,000 square feet, whether used for access, parking, loading, or storage purposes.
6. Change of use from one use category to another (e.g. residential to commercial), where in the opinion of the Code Enforcement Officer the change will alter the use of the site to the extent that site plan review is necessary to further the purposes set forth in §4.1.1.
7. The establishment of a new nonresidential use that does not involve any structures, where the disturbed area is less than 15,000 square feet.

4.1.3.3 The following require Major Site Plan Review:

1. Construction of new structures except as provided above.
2. Expansions which increase the footprint size of the structure by 2,000 square feet or more.
3. Expansions which increase the footprint size of the structure by 10,000 square feet or more, where the property is within an approved subdivision (e.g. Hampden Business Park).
4. Construction of a new access way, parking lot, loading area, or outdoor paved storage area over 4,000 square feet.
5. Expansion of an existing paved area not associated with increases in building size where the paved area will be enlarged by 4,000 square feet or more, whether used for access, parking, loading, or storage purposes.
6. The establishment of a new nonresidential use that does not involve any structures, where the disturbed area is 15,000 square feet or more.
7. Any new development for a use that requires a Conditional Use permit. Once approved and established, modifications to a site plan for such a use will be categorized as minor revision, minor site plan, or major site plan, as appropriate.

4.1.4 Procedure

4.1.4.1 Staff Review

1. Establishment. A staff review committee is hereby established, which consists of the Town Planner, Code Enforcement Officer, Director of Public Works, Director of Public Safety, and Town Engineer or their designees. In the event any of these positions is vacant, the Town Manager will name an interim committee member with appropriate expertise from the respective department.
2. Operation.
    1. The Town Planner must distribute the site plan and supporting materials to designated departments, who then review the proposal independently. If they approve the site plan, they sign off on the project. If not, they identify their concerns and needed changes to the plan.
    2. The Application and supporting materials will be posted on the Town of Hampden website for 30 days prior to the scheduled meeting date for public feedback.

4.1.4.2 Application

1. At the applicant's discretion, a pre-application meeting may be held with staff to discuss a project prior to the submission of an application. These discussions are non-binding on both parties.
2. When an application in compliance with the requirements in §4.1.5 is submitted, the Town Planner will review it to confirm its categorization as minor revision, minor site plan, or major site plan.
3. If a minor revision, the Town Planner will forward the application to the Code Enforcement Officer for review and action. The Code Enforcement Officer may request any member of the Staff Review Committee to review and comment on an application prior to rendering a decision.
4. If a minor site plan, the Town Planner will distribute the application to the members of the Staff Review Committee, each member of which will review the application in preparation for the committee meeting.
5. Minor site plan applications will be scheduled for the next available meeting of the Staff Review Committee in accordance with the set schedule. At the committee chair's discretion, a special meeting may be called to handle an application if the project warrants such action (e.g. minimal alteration, unnecessary hardship if delayed to scheduled meeting, etc.)
6. Major site plan applications will be scheduled for public hearing with the Planning Board according to the published application deadline schedule.

   For minor site plans and major site plans, the application will be distributed to the members of the staff review committee and, if a major site plan, to the Town's engineer or consulting engineer for peer review. .When the application is considered, a written report should be submitted to the Town Planner prior to the meeting (Staff Review Committee for minor site plans or Planning Board for major siteplans).
7. All decisions must be documented in writing and final approved plans must be endorsed as approved by the Code Enforcement Officer for minor revisions, the Staff Review Committee Chair for minor site plans, or the Planning Board Chair for major site plans. When approval is granted conditional upon modifications to the site plan presented at the meeting, said modifications must be made to the site plan prior to endorsement, and a copy of the endorsed plan must be submitted to the Town Planner for the town's files.

4.1.5 Submission Requirements.

4.1.5.1 Major Site Plans. All major site plans must be prepared by a design professional registered in the state of Maine and must contain the following information, which may be on multiple sheets at a scale sufficient to ensure legibility. A complete submission consists of an original plus an amount of copies of the plans determined by the Town Planner or Code Enforcement Officer, three sets of which must be full size and the remaining may be no smaller than 11”x17” provided they are legible at that size and the proposed site layout is provided in full size, the application form, a narrative, any supplemental reports or information (e.g. stormwater drainage, light fixture cut sheets), an electronic copy of the entire package (in one ormore files in a format specified by the Town Planner), and the fees paid in full.

1. Locus plan showing the site in relation to the surrounding area.
2. Title block including at minimum: name of applicant, name of preparer, date of plan, revision dates with notation of what the revisions were, scale of the plan, and north arrow.
3. Site layout, showing the boundaries of the parcel(s) in the proposed development, proposed structures, driveways, parking spaces, loading facilities, outdoor storage areas, required setbacks and buffers, fences, walls, walkways, crosswalks, outdoor lighting, and areas for snow storage after plowing.
4. Grading and drainage plan, showing the existing and proposed topography at two-foot intervals, plans for handling stormwater drainage, and all wetlands and floodplain areas on the site and within 100 feet of the site. Drainage calculations prepared by a registered professional engineer shall be submitted with the drainage plan. Any development required to obtain approval under site plan review that proposes a cumulative land disturbance of greater than one acre must provide a copy of the submission documents made to Maine DEP for Chapter 500 compliance and if already approved, a copy of the DEP approval.
5. Utility and open space plan, showing all facilities for refuse and sewerage disposal and storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities (including fire lanes) on and adjacent to the site, proposed recreational facilities, and open space areas including archeological or historical features on the site.
6. Landscaping plan, showing the limits of work, existing trees and tree lines, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and proposed erosion control measures (including dust control during construction).
7. Lighting plan, showing the location of all lighting fixtures, the illumination data to show compliance with §4.7.3, Lighting, and detail drawings of the fixtures to be used, including heights.
8. Floor plan, showing the basic layout of various spaces on each floor (office space, retail space, manufacturing space, warehouse space, etc.).
9. Details as needed to show specific information such as but not limited to cross sections of driveways, roads, parking areas, and sidewalks; lighting fixtures; signage; and drainage facilities.
10. Location and size of signs and all permanent outdoor fixtures.
11. Existing zoning.
12. A narrative describing the project and indicating the number of dwelling units and/or square footage of non-residential buildings categorized by general use (retail, office, warehouse, etc.); the percentage of building coverage and impervious surfaces on the site; the acreage of the site in general categories (residential, commercial, open space, road and utility rights-of-way, etc.); the forms of ownership contemplated for the project and a summary of the provisions for the maintenance of commonly held areas; and an indication of the estimated time required to complete the proposed project and any and all phases

thereof.

13. For projects that generate more than 100 peak hour trips, a copy of the traffic impact analysis submitted to Maine DOT, and if already approved, a copy of DOT's approval.
14. Compliance with all other applicable ordinances.

4.1.5.2 Minor Site Plans. Minor site plans shall include all of the information required by §4.1.4.1 with the following exceptions, and waivers may be granted as provided in §4.1.5.4. A complete submission consists of an original plus 5 copies of the plans, two of which must be full size and the remaining may be no smaller than 11"x17" provided they are legible at that size, the application form, a narrative, any supplemental reports or information (e.g. stormwater drainage, light fixture cut sheets), an electronic copy of the entire package (in one or more pdf files), and the fees paid in full.

1. The plan may depict topographical contours at intervals available on maps provided by the United States Geological Survey;
2. A utility and open space plan is not required unless new utility service lines are proposed, in which case those shall be shown on the site plan;
3. A landscaping plan is not required unless new or additional landscaping is proposed or is required by the Staff Review Committee or the Planning Board to screen the proposed development from public ways and/or abutting properties;
4. A floor plan is not required; and
5. A drainage plan and calculations are only needed when changes to existing systems are proposed.

4.1.5.3 Minor Revisions. Two copies of the approved site plan with proposed modification clearly indicated on the plan. Only the sheets with proposed changes need be submitted (i.e. if sheets 2 and 3 of a 6 sheet set include modifications, only sheets 2 and 3 need to be submitted).

4.1.5.4 Waivers. The permit granting authority may, upon written request from the applicant, waive or modify any of the submission requirements listed in §4.1.5.1 or §4.1.5.2 provided such waiver or modification will not negatively impact the permit granting authority's ability to make an informed decision on the application, and the permit granting authority must state their reasons for granting any waiver in writing as part of their decision.

4.1.6 Approval Standards.

4.1.6.1 Minor Revisions. To be approved, the application must:

1. Comply with the original approval and any approved revisions.
2. Comply with the dimensional requirements for the district in which it lies, or with any variances or waivers granted prior to or as part of the previous approval.
3. Comply with all buffering and screening requirements on the previous approval.
4. Not alter roadway access points.
5. Decrease the number or size of parking spaces or loading areas.
6. Not violate any conditions of previous approvals.

4.1.6.2 Minor or Major Site Plan approval will be granted upon determination by the Staff Review Committee or the Planning Board that the plan is in compliance with the applicable requirements for the zoning district and all other applicable requirements of the Zoning Ordinance, and that it meets the following objectives. The Committee or Board may impose reasonable conditions at the expense of the applicant, including performance guarantees, limiting hours of operation, and other reasonable conditions to promote these objectives.

1. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution;
2. Maximize pedestrian and vehicular safety both on the site and entering and exiting the site;
3. Minimize obstruction of scenic views from publicly accessible locations;
4. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned;
5. Minimize glare and light trespass from headlights, outdoor lighting, or signage lighting;
6. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places;
7. Prevent contamination of groundwater from operations on the premises involving the use, storage, handling, or containment of hazardous substances;
8. Ensure adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage; and
9. Ensure that no project will exceed the capacity of any public utility (e.g. sewage disposal, water supply, stormwater management system, solid waste disposal, roads, etc.) or will overburden any public service (e.g. public safety, schools, municipal recreation, etc).

4.1.7 ***Denial***. In the event the application does not meet the requirements of this Ordinance or the objectives in §4.1.6 and the applicant refuses to modify the application so it will comply, the permit granting authority may deny the application. The decision shall be in writing and shall clearly state the reasons for denial with sufficient detail to enable the applicant to revise the site revision or site plan to meet the requirements and objectives. There shall be no time penalties against the applicant to file a new site plan application, but said application shall require payment of a new fee.

4.1.8 ***Appeal***. A decision of the Code Enforcement Officer, Staff Review Committee, or the Planning Board may be appealed to the Board of Appeals, pursuant to §6.2.1.

4.1.9 ***Lapse.*** Site plan and board order approvals shall lapse after two years from the date of approval if construction has notyet begun. Site plan approval may, for good cause, be extended in writing by the permit granting authority upon the written request of the applicant.

4.1.10 ***Fees.*** The Town may adopt administrative fees and technical review fees for site plan review.

4.1.11 ***Certificate of Compliance.*** Upon completion of construction and prior to the issuance of a certificate of compliance, an as-built plan in both full size paper and digital format (as specified by the Code Enforcement Officer) must be submitted to the Code Enforcement Officer.

4.2. Conditional Uses

4.2.1 ***Purpose.*** The purpose of this section is to provide for a review of uses which while ordinarily not injurious to the public health, safety, and welfare or detrimental to the neighborhood, may be injurious or detrimental under certain circumstances if restrictions are not placed on how those uses are conducted.

4.2.2 ***Applicability.*** All uses specified in §3.1.3, Use Table, as Conditional Uses must receive approval under this section prior to the issuance of a building permit, certificate of occupancy, or certificate of compliance.

4.2.3 ***Procedure.*** An application for Conditional Use review must be submitted to the Planning Board in accordance with their published meeting schedule. In cases where site plan review is also required, the two applications may be submitted concurrently and both may be taken up in a single public hearing, however both fees must be paid and the Board must issue separate decisions. All conditional use applications require a public hearing.

4.2.4 ***Submission Requirements.***

4.2.4.1 When an application also requires site plan review, the information required under §4.1 will be sufficient for review for the conditional use application.

4.2.4.2 When an application does not require site plan review, the following information is required to be shown on a sketch plan:

1. Names of the applicant and preparer of the plan.
2. Scale of the drawing and north arrow.
3. Depiction of the property boundaries including their dimensions based on tax map data, the property deed, or a survey.
4. Depiction of existing buildings on the property including their location, approximate shape and size, floor area and number of stories.
5. Distance from the closest point of each building to the closest property boundary; in cases where the distance is within ten feet of the required setback this must be measured accurately and in cases where the distance is greater, an approximation may be used.
6. Approximate distance from each building to buildings on abutting properties, if they are within 300 feet, including a notation as to the use of the building (e.g. house, garage, barn).

7. Features such as fences, sidewalks, driveways, parking areas (existing and proposed), septic systems, wells, wooded areas, and garden areas.
8. Location and frontage on public or private streets, including the name of the street.
9. Additional information that may be pertinent to the specific application may be submitted along with the sketch plan (e.g. a copy of an aerial image of the site, the flood plain as depicted on FEMA maps, or photographs of existing buildings).

4.2.5 Approval Standards. Conditional Use approval shall be granted upon determination by the Planning Board that the application is in compliance with the applicable requirements for the zoning district and all other applicable requirements of the Zoning Ordinance, and that it meets the following objectives.

4.2.5.1 The proposal is consistent with the general purpose and intent of this Ordinance and it will not be detrimental to the health, safety or welfare of the neighborhood or the Town.

4.2.5.2 The proposal is compatible with existing uses and development patterns in the neighborhood.

4.2.5.3 The proposal will not create a nuisance to the neighborhood due to impacts such as noise, odors, dust, gas, fumes, smoke, light or other emissions, and the proposed use will be operated in compliance with the performance standards set forth in §4.4 of this Ordinance.

4.2.5.4 The proposal will not create undue traffic congestion nor unduly impair pedestrian safety, and provides safe vehicular and pedestrian circulation within the site.

4.2.5.5 The proposal ensures adequate space onsite for loading and unloading of goods, products, materials, and equipment incidental to the normal operation of the establishment or use.

4.2.5.6 The proposed use will provide adequate and safe provision for the collection, storage, and disposal of all wastes generated or stored on the site.

4.2.5.7 The proposal will not exceed the capacity of any public utility (e.g. sewage disposal, water supply, stormwater management system, solid waste disposal, roads, etc.) to such an extent that the proposed use or any existing use will be unduly subjected to hazards affecting health, safety, or the general welfare.

4.2.5.8 The proposed use will not deny light and air to surrounding properties.

4.2.5.9 The proposal minimizes environmental impacts including erosion, siltation, changes to ground and/or surface water levels (quantity), or changes to ground or surface water quality.

4.2.5.10 The proposed use will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.

4.2.5.11 The applicant has adequate financial and technical capacity to meet the requirements of this Ordinance and any conditions imposed by the Planning Board.

4.2.5.12 The applicant is up to date on all personal property taxes, real estate taxes, and sewer charges on all properties owned by the applicant or an applicant's business under its legal name, assumed names, trade names and DBA names in Hampden.

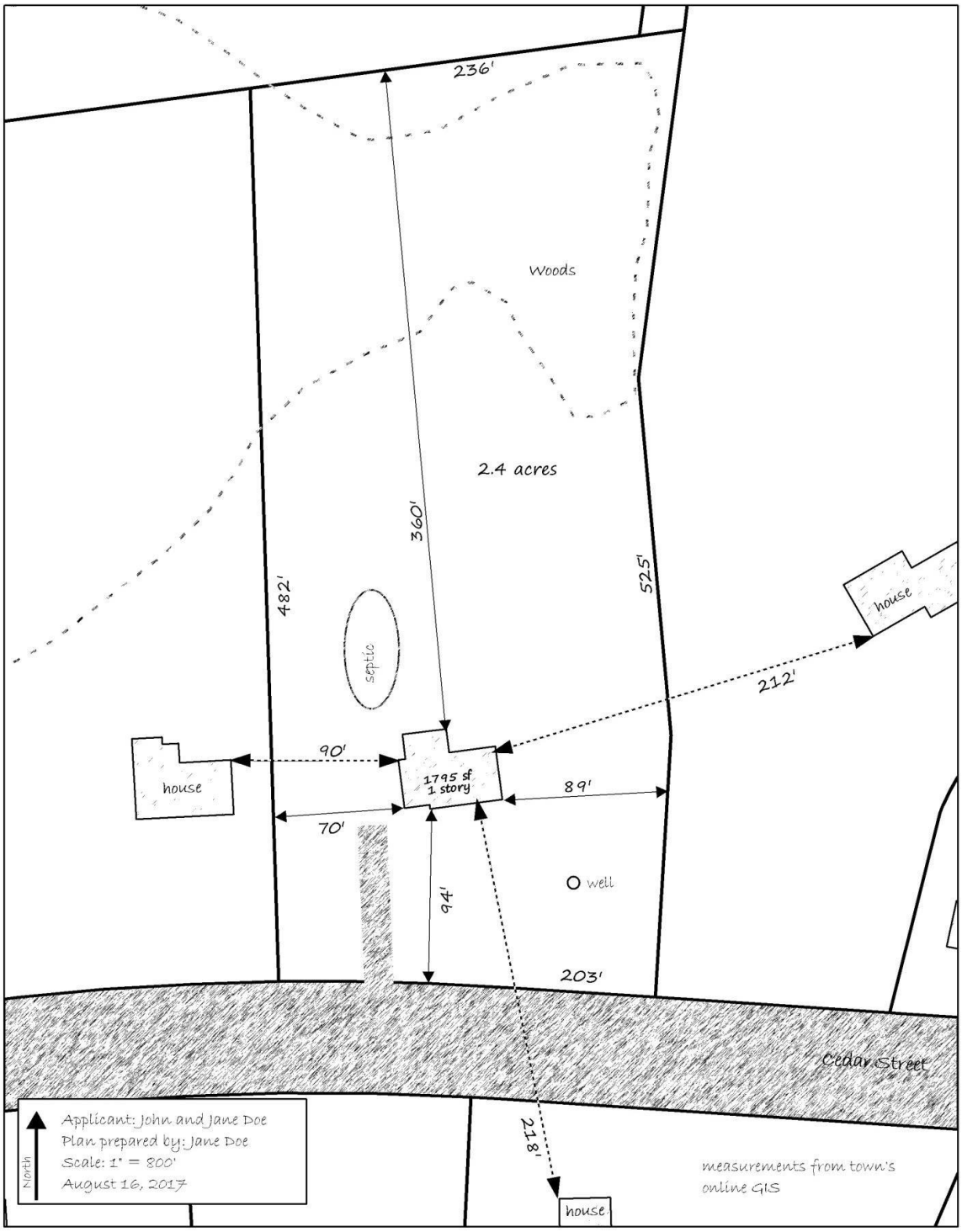
4.2.5.13 For Multi-Family development, the following findings must also be made:

1. The proposed project is not out of character with the area in which it is located;
2. The proposed project does not increase the Average Daily Traffic (ADT) of arterial or main roads and streets by more than 10 percent in any given year, nor reduce the Level of Service at intersections within the same area to less than a "C" standard as determined by a professional traffic engineer registered in the state of Maine.

4.2.6 Conditions. The Planning Board may impose reasonable conditions to minimize impacts on abutters, safeguard the neighborhood, or otherwise serve the purposes of this Ordinance at the expense of the applicant, including performance guarantees, limiting hours of operation, increased setbacks or more stringent buffer requirements, deed restrictions or restrictive covenants, or other reasonable conditions

to promote the objectives listed above. Violation of any of these conditions shall be a violation of this Ordinance.

Sample Sketch Plan for conditional uses that do not also need a site plan (see §4.2.4.2)



4.3. Alternate Frontage Lots

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, wouldnot 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 one- family dwelling 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 50 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.

4.4. Performance Standards

4.4.1. ***Odorous Matter*** – . 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 which produces electromagnetic interference in the transmission or reception of electrical impulses beyond the lot line, shall be subject to Federal Communications Commission (FCC) requirements, and State and Federal provisions that 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. Nonconformities

4.5.1. General

4.5.1.1 Intent - It is the intent of this Ordinance to promote land use conformities, except that nonconforming conditions that were created by the adoption of this Ordinance or amendments thereto, and which were legal at the time of creation, are allowed to continue subject to the provisions of this §4.5.

4.5.1.2 Transfer of Ownership – A change in ownership of a property has no bearing on the legality of a nonconforming condition to continue, subject to the provisions of this Ordinance.

4.5.1.3 Repair and Maintenance - This Ordinance allows the normal upkeep and maintenance of properties with nonconforming conditions, including repairs or renovations, provided that any expansion of the nonconforming condition complies with the provisions of this §4.5.

4.5.1.4 When a nonconformity is created by action of a public body for a taking by eminent domain or a conveyance in lieu thereof, the nonconformity is considered to be legal and is allowed to continue subject to the provisions of this §4.5.

4.5.2. Nonconforming Structures

4.5.2.1 Expansions - A nonconforming structure may be expanded upon the issuance of a building permit provided such expansion itself is in compliance with the required setbacks and building height and it does not increase the building coverage or impervious surface amounts on the site to the extent that they exceed the requirements. A nonconforming structure may be expanded upon the granting of a conditional use approval when the expansion will encroach into the required setback no more than the existing structure and on the same side of the building where the existing encroachment is located, provided the building height, building coverage, and impervious surface requirements are met. All other expansions of nonconforming structures require the granting of a variance under the provisions of Article 6.

4.5.2.2 Relocation – A nonconforming structure may be relocated to a different parcel provided it will comply with the dimensional requirements for the district at the new location, thus becoming a conforming structure. A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of the relocation conforms to the setback requirements to the greatest practical extent as determined by the CEO. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether a building relocation meets the setback to the greatest practical extent, the CEO shall review the size of the lot, slope of the land, the location of other structures on the property and adjacent properties, the existence and location of a septic system and soils suitable for septic systems.

4.5.2.3 Reconstruction or Replacement - Any non-conforming structure which is removed, or damaged or destroyed by more than fifty percent of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced with a structure that is comparable to the removed, damaged, or destroyed structure, provided that a building permit is obtained within one year of the date of said removal, damage, or destruction . In no case shall a structure be reconstructed or replaced so as to increase the nonconforming condition(s).

Any non-conforming structure which is damaged by fifty percent or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place, provided that a building permit is obtained within three years of the date of damage.

4.5.3. Nonconforming Site Developments

4.5.3.1 All site developments legally established prior to the adoption of this Ordinance or subsequent amendment which does not conform to the applicable dimensional requirements, design standards, or any special provisions (e.g. §3.2, specific use standards, or particular sections of

Article 4) is allowed to continue.

4.5.3.2 Any nonconforming site development may expand provided that all new development (including buildings, parking area, etc.) must meet the applicable dimensional requirements, design standards, and any special provisions (e.g. §3.2, specific use standards, or particular sections of Article 4).

4.5.3.3 Any modifications to nonconforming site development must meet the applicable design standards to the greatest extent practicable.

4.5.4. Nonconforming Uses

4.5.4.1 Continuance - The use of land or structures which lawfully existed prior to the adoption or subsequent amendment of this Ordinance, may continue although such use is not in conformance with the use provisions of this Ordinance.

4.5.4.2 Expansions - Expansions of nonconforming uses are prohibited, except nonconforming residential uses in all districts may be expanded in that accessory structures such as sheds and decks may be added, provided that all dimensional provisions of this ordinance are met.

4.5.4.3 Resumption Prohibited - A nonconforming use that has been discontinued for a period exceeding two years, or which is superseded by a conforming use, cannot be re-established. A one-family dwelling or two-family dwelling in a district where it is nonconforming that is vacant andfor sale for more than a year is not considered to be a discontinued use.

4.5.4.4 Reconstruction - A nonconforming use which is housed in a structure that has been destroyed by fire or other hazard may be re-established provided a building permit is issued within one year

of the destruction. Time incurred in resolving an appeal or other court action or insurance claim shall not be counted as part of the one-year limit. Owner Occupied residential structures are exempt from §4.5.4.4.

4.5.4.5 Changes of Use - A legally existing nonconforming use may be converted to another nonconforming use upon approval as a conditional use by the Planning Board, provided the Board determines that such change in use will not be substantially more detrimental to the neighborhood than the existing nonconforming use. No use which is more intense in terms of density or type of use than the nonconforming use in existence at the time of application can be approved. The Board may consider issues such as but not limited to traffic, noise, odors, lights, and hours of operation in determining whether the proposed use is more detrimental than the existing use.

4.5.4.6 Expansion of Nonconforming Use Mobile Home Parks. Notwithstanding the provisions of

§4.5.4 Nonconforming Uses, in order to comply with Title 30-A, §4358 the following provision shall apply to existing mobile home parks located in districts where that use is not permitted. It is not the intent of this ordinance to expressly prohibit existing nonconforming use mobile home parks from expanding in their existing location. Such expansions are subject to the following regulations.

1. Such expansion shall be limited to environmentally suitable locations.
2. Such expansion shall only be permitted in the context of a total redevelopment of the entire existing mobile home park meeting the requirements found in §4.13 of this ordinance and those found in the Mobile Home Park Ordinance.
3. Such expansion shall be limited to a one-time 50 percent expansion of the existing numberof mobile homes located in the mobile home park.

4.5.5. Non-conforming Lots

4.5.5.1 A lawfully existing nonconforming lot of record as of the effective date of this Ordinance or an amendment that created the nonconformity, vacant or otherwise, may be built upon, without the

need for a variance, provided that all provisions of this Ordinance, except for lot size and frontage, can be met. Variances relating to setback or other dimensional requirements not involving lot size or frontage may be obtained by action of the Board of Appeals. All appeals and variance requests are subject to the provisions of Article 6 of this Ordinance and 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.

4.5.5.2 If two or more principal structures or uses existed on a single lot of record on the effective date of the adoption of this Ordinance, each may be sold on a separate lot provided the lots are either served by public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules. When such lots are divided, each new lot must comply with the dimensional requirements in §3.4 to the greatest extent practicable.

4.5.5.3 Contiguous lots in common ownership.

1. Principal structure on each lot: If two or more contiguous lots are in a single or joint ownership of record at the time of adoption of this Ordinance or an amendment that created the nonconformity, if any of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided the lots are served by public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of MaineSubsurface Wastewater Disposal Rules.
2. Principal structure on at least one lot but not all lots: If two or more contiguous lots are in common ownership of record and if any of these lots contain a principal structure and at least one lot is undeveloped, and at least one of the lots does not meet the dimensional requirements of this Ordinance, the lots must be combined to the extent necessary to meet the dimensional requirements.
3. Undeveloped lots: If two or more contiguous undeveloped lots are in common ownership of record and if any of these lots do not individually meet the dimensional requirements of this Ordinance, the lots must be combined to the extent necessary to meet the dimensional requirements.

4.5.5.4 Reduction in Lot Size. Except as expressly provided in this ordinance, no lot shall be reduced in size by conveyance of a portion thereof unless (1) the remaining land meets the minimum dimensional standards required for the zoning district or districts in which that land is located, and (2) the land to be conveyed either meets the minimum dimensional standards requirement or will be conveyed to the owner of abutting property, the Town, or to a conservation organization in conjunction with covenants or similar restrictions that prohibit its development.

4.5.5.5 Division or Alteration of Nonconforming Lots. The boundaries of a lawfully existing nonconforming lot of record (as of the effective date of this Ordinance or amendment hereto) shall not be changed unless the Code Enforcement Officer makes a written determination that the extent of the nonconformity will remain unchanged or will be reduced and that the remainder of the nonconforming parcel otherwise meets the minimum dimensional standards of the zoning district or districts in which that land is located. The Code Enforcement Officer is hereby authorized to require whatever information deemed necessary to make such a determination. The determination must be recorded in the Penobscot County Registry of Deeds within 120 days after its issuance or the determination becomes null and void.

4.6 Cluster Housing – Repealed November 14, 2022

4.7 Design Standards

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

4.7.1.1 No parking area shall exceed the maximum impervious area for the zoning district as identified in §3.4.1.

4.7.1.2 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.
2. Between developments: Abutting properties 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 detrimental impact on abutting properties.

4.7.1.3 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)			
		Drive Aisle	Parking Aisle	Total Module	
One Row of Parking					
Angle (Degrees)	**30**	10	17	27	
	45	12	20	32	
	60	16	20	36	
	90	24	18	42	
Two Rows of Parking					
Angle (Degrees)	**30**	10	17	44	
	45	12	20	52	
	60	16	20	56	
	90	24	18	60	

2. Handicapped Parking: Handicapped parking spaces shall be designed, located, and striped in accordance with the 2010 ADA Standards for Acceptable Design.
3. Parking Area Setbacks: Parking areas, 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

4. Parking Area Lighting: Parking areas shall be illuminated in accordance with §4.7.3 of this Ordinance.

5. Parking Area Access: Parking areas that access a public way shall be designed in conformance withthe following design standards, subject to approval from the Department of Public Works:

    1. Accessway width for a two-way entrance 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 theintersection 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 ½ inches each) over a minimum of 12 inches of compacted gravel; and
    5. Culverts or other drainage facilities to control stormwater run-off within the public right-of-way shall be installed by the property owner at their own expense, after review and approval by the Director of the Department of Public Works.

6. Parking Area Landscaping: Parking areas shall provide landscaped interior traffic islands or bioswales to control traffic flow and define driving aisles in accordance with the following requirements:

    1. Interior traffic islands shall be spaced so the maximum amount of spaces between each island does not exceed 15 parking spaces.
    2. A bioswale may be constructed in lieu of a traffic island and trees provided the bioswale is constructed in accordance with Low Impact Development (LID) Best Management Practices (BMPs).
    3. 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.

7. Exceptions for Pre-Existing Parking Areas:

    1. Parking areas that 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 in the Rural district may be laid out to utilize field areas without need to comply with the design requirements above. The permit-granting authority must find the proposal will serve the use without creating any negative impacts on abutting properties, public roads, or stormwater management systems.

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 design standards of §4.7.1 to the maximum 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.

4.7.1.4 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.

4.7.1.5 Drive-Through Facilities: All businesses and restaurants with drive-through facilities are subject to the following standards.

1. All Drive-Through facilities must provide either a traffic movement permit from Maine DOT or documentation from the Maine DOT Eastern Region Traffic Engineer stating that the development does not require a traffic movement permit.

2. All Drive-Through facilities must provide documentation that provides total daily trips, AM peak traffic generation, PM peak traffic generation, and Saturday peak traffic generation as well as the traffic level of service of the driveway or entrance.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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, 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.
9. Maneuvering space shall be provided in the rear or side yard.
10. The radii of drive-through lanes shall be a minimum of forty-five (45) feet.
11. 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 100 feet from any residential property and screened from view using a Class I buffer (see §4.7.2.4 Classification of Buffers).
    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.

9. 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.

10. Signs associated with a drive-through facility must comply with the provisions of §4.7.5, Signs.

11. 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 wooded or significant vegetation 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.

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.

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 residential 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 20 units or more must provide a buffer along each property line abutting a residential use or district.
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 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 degreesfrom vertical, except as provided below. The lighting source (lamp) must only be visiblefrom below.

2. Reflectors of proper distribution shall be selected for maximum efficiency. Reflectors andshielding 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 isshown by the applicant to result in a lesser impact on surrounding properties, roads, and skyglow. 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 equippedwith 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 ofopening.

4.7.4 Architectural Design – Repealed November 14, 2022

4.7.5 Signs. Signs provide vital information to the public & assist in the response of public safety. The following provisions apply to signs and billboards including those that don't require Site Plan or Conditional Use Review.

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 MRSA 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 MRSA 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 Useof a Residence for Business Purposes are prohibited. Authorization for official business directional signs 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 MRSA sections 1901-1925*). The Code Enforcement Officer is hereby authorized to enforce the language in *23 MRSA sections 1901-1925* within the Town of Hampden. In addition, the following regulations apply:

1. Pedestrian obstruction - No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or movement where, by reason of its position, shape, color, or illumination, or otherwise constitute a hazard to pedestrian traffic.

2. Home Business, Customary Home Occupation or Home Based Contractor sign - Approved home business, customary home occupations or home based contractors may display a single sign, not over twenty-five (25) sq.ft. in area, relating to the business.

3. Changeable Signs – Are Permitted in all districts, except on properties used for residentialpurposes.

a) "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.
b) "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.
c) "Message" means a communication conveyed by means of a visual display of text, a graphic element or pictorial or photographic image.
d) "Sign Assembly" means the display, border, trim and all supporting apparatus including posts, columns, pedestals and foundation.

4. "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.

5. 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 backgroundand may include graphic, pictorial or photographic images.

4.7.5.3 Removal of Unlawful Signs:

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. 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 thisremoval from the owner. All removed signs shall be held at the Transfer Station fora period of 30 days before they are disposed of.
3. Procedure for Notice, Hearing, Appeal: The procedure for notice, hearing and appealis 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 §4.7.5.3.3.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.

Removal of Unlawful Off-Premises Signs.

1.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 theirlocal 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 theland on which the sign is placed.

2. 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 thisremoval 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 ofthis Article the Code Enforcement Officer, Public Works Director and Public 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 sentby 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 bein 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 November 14, 2022

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

4.9 Filling and Grading of Land and Stockpiling of Materials – Repealed November 14, 2022

4.10 Use of Residence for Business Purposes.

There are three categories of businesses (including professions and trades) that may be conducted in or at a residence (dwelling) as an accessory use: a home business, a customary home occupation, and a home based contractor.

4.10.1 Home Business — A business, profession, or trade which is conducted by a resident of the premises entirely within the residence or an accessory building, and does not involve more than occasional business vehicular traffic to the property. Examples include but are not limited to artists, desktop publishers, software developers, craftsmen, contractors who only operate an office at the home, and people who work at home and conduct business by mail or electronic communication (including employees who telecommute). Home businesses are subject to the provisions of §4.10.4 and §4.10.5 below.

4.10.2 Customary Home Occupation — A business, profession, or trade which is conducted by a resident of the premises entirely within the residence or an accessory building, and involves an increase in traffic for clients, customers, patients, associates, or employees. Examples include but are not limited to lawyers, accountants, beauticians, professional consultants (such as mental health, design, and real estate), and small retail businesses not exceeding 300 square feet GFA. Customary Home Occupations are subject to the provisions of §4.10.4 and §4.10.6 below.

4.10.3 Home Based Contractor — A business which is conducted by a resident of the premises accessory to a residential use, but not entirely enclosed within the residence or one or more accessory buildings. Examples include but are not limited to building, plumbing, electrical, cabinetry, landscaping, and other similar contractors who perform their work off-site but use the residence as a base of operations including an office and small scale storage of equipment and materials. This category is meant to serve the needs of small businesses with limited space needs, with the expectation that once the business has grown to a larger size (e.g. increase in vehicles above that allowed in §4.10.23) it will be moved to a more appropriate location in a commercial or industrial district. Home Based Contractors are subject to the provisions of §4.10.4 and §4.10.7 below.

4.10.4 General Requirements.

4.10.4.1 The activity must be operated by residents of the dwelling unit.

4.10.4.2 The activity must be clearly incidental and secondary to the primary use of the premises as a residence.

4.10.4.3 There shall be no window displays or other features not normally associated with residential use.

4.10.4.4 If carried on within the principal residential structure, the activity shall not occupy more than thirty (30%) percent of the floor area. If carried on within an accessory structure the total floor area dedicated to the business use shall not exceed fifty (50%) percent of the total finished floor area of the principal residential structure. Notwithstanding these limits, for properties in the Rural district the activity may occupy up to 2,000 square feet of the dwelling unit and any accessory structure combined.

4.10.4.5 The activity shall not cause sound, noise, odors, dust, gas, fumes, smoke, light or other dangerous emissions discernable or detectable from beyond the property line of the subject property, beyond that which is normally associated with residential use. In addition, no business activity shall be allowed which creates a fire hazard to the premises or neighboring premises or which creates electrical interference such that it causes visual or audible interference in any radio or television receivers off the premises. The applicant shall demonstrate that the proposed business activity will not interfere with the peaceful use and enjoyment of residential properties located in the area of the proposed use.

4.10.4.6 A permit shall be granted to the property owner or applicant; however in cases where a Customary Home Occupation or a Home Based Contractor business is the subject of the application, the Planning Board shall have the option to set a condition allowing the permit to be granted to the property (i.e. “run with the land”) when the Planning Board finds that the continuation of the use after the transfer of property ownership, and without further permitting, will comply with the requirements in §4.10.4 of this ordinance.

4.10.4.7 Unless specifically requested by the applicant and approved by the reviewing authority, Use of Residence for Business Purposes approvals do not run with the land and are for the applicant only. If approved to run with the land the approved permit must be recorded at the Penobscot County Registry of Deeds within 30 days of issuance or prior to any related building permit being issued.

4.10.5 Home businesses are permitted in all zoning districts without need for a conditional use permit, but must conform to the following provisions in addition to those listed in §4.10.4 above:

4.10.5.1 The business must be conducted entirely within the residence or an accessory building.

4.10.5.2 The activity must not change the character of the premises or surrounding neighborhood.

4.10.5.3 No non-resident employees are permitted on site.

4.10.5.4 There shall be no exterior display of products, no exterior storage of materials or equipment used solely for the business, no exterior parking of business vehicles or equipment, and no other variation from the residential character of the premises. This section shall not prohibit the exterior parking of personal vehicles or equipment (not used for the business).

4.10.6 Customary Home Occupations are permitted in all zoning districts by Conditional Use permit, if in compliance with the following provisions in addition to those listed in §4.10.4 above:

4.10.6.1 The business must be conducted entirely within the residence or an accessory building.

4.10.6.2 Not more than one non-resident person shall be employed in the business at the site.

4.10.6.3 There shall be no exterior display of products except in the Rural district where up to 500 square feet may be used to display products for sale, no exterior storage of materials or equipment used solely for the business, no exterior parking of business vehicles or equipment, and no other variation from the residential character of the premises. This section shall not prohibit the exterior parking of personal vehicles or equipment (not used for the business).

4.10.6.4 No home occupation shall be approved or allowed to operate if it generates more than ten (10) customers/clients in any one day.

4.10.6.5 The business shall not necessitate more than three parking spaces for clients, customers, patients, non-resident employees, or other business related demands. Required parking must be accommodated off-street, and new parking areas must be screened from the view of abutters and from public ways (streets or pedestrian ways) utilizing vegetation, fencing, and/or topography. To the extent practical, parking areas should be located at the side or rear of the residence or accessory buildings.

4.10.7 Home Based Contractors are permitted by Conditional Use permit, if in compliance with the following provisions in addition to those listed in §4.10.4 above:

4.10.7.1 The parcel on which the business is operated is within one of the following districts: Rural, Rural Business, Business, Business B, Commercial Service, Interchange, or Industrial.

4.10.7.2 The parcel must be a minimum of two acres in size.

4.10.7.3 Not more than eight vehicles associated with the business (maximum of four construction equipment such as loader/backhoe, skidder, etc.) shall be parked at the site at any given time, including employee vehicles and construction vehicles, but excluding personal vehicles not typically used for the operation of the business.

4.10.7.4 The activities related to the business may be conducted in part outdoors, but all such activities, equipment, and storage shall be substantially and permanently screened from the view of abutters and from public ways by buffers such as vegetation, fences, and/or topography.

4.10.7.5 No more than 25% of the parcel, exclusive of areas covered by buildings, shall be used for business activities, including outdoor storage or parking.

4.10.7.6 The total square footage of buildings used for storage or garaging of vehicles or equipment associated with the business shall be no greater than 2,000 square feet. This shall not be construed to mean that a greater number of vehicles may be parked at the site than is permitted above.

4.10.7.7 The Planning Board shall take into consideration the road network serving the proposed business location in regard to safety of the residents of the vicinity and the types of vehicles to be used by the business, including delivery trucks, and the projected number of trips to and from the site each day.

4.10.8 Application Procedure

4.10.8.1 Applicants for a Home Business shall submit a request for review by the Code Enforcement Officer. If the Code Enforcement Officer determines that the proposed business meets the criteria of this category, then they shall sign the form stating that the proposed home business does not require approval under §4.10.6 or §4.10.7.

4.10.8.2 Applicants for a Customary Home Occupation or a Home Based Contractor shall submit an application for a Conditional Use review to the Land & Building Services office.

4.10.8.3 Applicants shall demonstrate that they have adequate right, title and interest in a property in order to apply for a Home Business, Customary Home Occupation, or Home Based Contractor.

4.10.8.4 Conditions Necessary for Approval of Customary Home Occupation or Home Based Contractor. If in the judgment of the Planning Board additional improvements or safeguards are necessary in order to make a proposed business safe, sanitary or less intrusive in a neighborhood the Board may place conditions on the approval that further limit the operation of the business, provide for screening or buffers, or improve traffic safety.

4.10.9 Previously Approved Home Occupations

4.10.9.1 If additions or alterations have been constructed or are proposed for construction to residences or accessory buildings, which in the opinion of the Code Enforcement Officer significantly alter a Planning Board approved Use of a Residence for Business Purposes, the Code Enforcement Officer shall require that the owner of the business seek a new permit from the Planning Board. In order to determine if the alterations or additions alter the approved business the Code Enforcement Officer shall review the municipal documents on file including the minutes of the Board meeting at which the Use of a Residence for Business Purposes was approved.

4.11 Sanitary Provisions

4.11.1 Sewage Disposal

4.11.1.1 All plumbing facilities in the Town of Hampden and all sewage disposal systems shall be installed and operated in compliance with the municipal sewer ordinance.

4.11.1.2 Plumbing and sewage disposal systems shall be installed only after a plumbing permit has been obtained.

4.11.2 Solid Waste Handling and Disposal Sites or Facilities

4.11.2.1 No hazardous, radioactive, or nuclear waste shall be disposed of in the Town of Hampden.

4.11.2.2 Solid waste handling and disposal sites or facilities shall be designed and operated in accordance with the regulations of this Ordinance, the State of Maine Department of Environmental Protection, and the United States Environmental Protection Agency.

4.11.3 Solid Waste Management

4.11.3.1 No solid waste, garbage, or rubbish that, in the opinion of the Director of Public Safety, Code Enforcement Officer, or Director of Public Works or their designees is unsanitary or hazardous to the public health, shall be disposed of or stored for a period greater than 30 days on any property or in any structure within the Town of Hampden outside of an approved facility or property.

4.12 Temporary Structures – Temporary structures necessary for the construction of approved facilities suchas construction trailers, contractors offices, as well as, temporary office space, portable classrooms and similarstructures 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.

4.13 Mobile Homes and Manufactured Housing Parks

4.13.1 Purpose - To regulate mobile homes and manufactured housing parks; to establish minimum standards governing the construction and maintenance of manufactured housing 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 manufactured housing parks.

4.13.1.1 Administration of manufactured housing parks. Manufactured housing parks shall be administered in accordance with the Town of Hampden Mobile Home Park Ordinance.

4.13.2 Mobile Homes Located Outside Manufactured Housing Parks

4.13.2.1 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.

4.13.2.2 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.

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

4.13.3 Construction of a New Manufactured Housing Park or Modification of an Existing Manufactured Housing Park

4.13.3.1 Procedure: Construction of a New manufactured housing park shall require Site Plan approval and Major Subdivision Plan approval. Modification of an existing manufactured housing park shall require Site Plan approval and may require Major or Minor Subdivision Plan approval as determined by the Planning Board.

4.13.3.2 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 register 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
7. The right of ways, streets and pedestrian ways existing and/or proposed
8. The location of all manufactured housing units
9. The location of all utilities above ground and below ground and the easements therefore
10. The location of existing and proposed vegetation
11. The size and location of all recreation areas
12. Adjacent building outlines and other significant features within 300 feet
13. The location and use of all proposed accessory structures and signs
14. The location of all existing streams, drainage channels, and wetlands
15. The location, type, and intensity of all outdoor lighting
16. The location of drainage ways, culverts, and storm drainage facilities including size and inverts of facilities
17. 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

4.13.3.7 Design Standards

Design Requirements	Dimensional Requirements
Minimum Lot Area	6,600 SF
Minimum Road Frontage	60 Feet
Minimum Lot Depth	110 Feet
Minimum Setbacks:	
Street Yard Setback	20 Feet
Other Yards Setback	10 Feet
Lot Coverage	30 Percent
Open Space	20 Percent

1. Parking: All parking shall be designed in conformance with §4.7.1.
2. Access: Mobile home lots shall not have direct access to collector or arterial streets.
3. Additional Design Standards for manufactured housing parks:

a. All electrical utilities must be located underground.

b. A maximum of 32 dwelling units are allowed per approved Mobile Home Park.

c. All mobile homes must have a building separation of at least 20 feet.

4.13.3.8 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 manufactured 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 manufactured 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 manufactured housing park owner or operator and shall be located not more than 150 feet from any manufactured home lot.
6. Electric Installation and Outlet Requirements: Manufactured 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.
8. Road Construction and Traffic Standards: manufactured housing parks shall be constructed with public roadways to the Town's road standards.

4.13.3.9 Drainage: Applicant shall provide pre-development and post-development stormwater analysis in accordance with the Hampden Subdivision Ordinance guidelines including a narrative explaining the results and recommendations.

4.13.3.10 Open Space & Recreation: A minimum of 20% of the site must be kept in open space, and 50% of the open space area must be of such character as to be useable for active recreation and accessible by all residents of the park. All development proposals shall provide a plan for pedestrian circulation.

4.13.3.11 Landscaping: All development shall provide the required buffers in accordance with §4.7.2 of this Ordinance. All existing vegetation to be retained where possible. All disturbed areas shall be covered with lawn, ground cover or other suitable material. In addition, all clustered parking areas, dumpster or trash buildings, utility structures and other nonresidential buildings shall be screened from view by means of trees shrubs or other vegetation.

4.13.3.12 Accessory Structures: Accessory structures shall conform to the following requirements: No accessory structure shall exceed 500 SF. Accessory structures shall not exceed 18 feet in height. Accessory structures shall be located as not to obstruct light, air or access from any unit. All decks, porches, or other accessory structures shall meet the setbacks in accordance with this section.

4.13.3.13 Service Buildings: All service buildings used in the operation and or promotion of the manufactured housing park shall comply with the following requirements: Service buildings shall be set back a minimum of 30 feet from any street right of way and 25 feet from any mobile home lot line. Service buildings shall not exceed 1500 SF in ground coverage or 30 feet in height.

4.14 Shoreland Regulations – Repealed 3-1-2010, See Shoreland Zoning Ordinance

4.15 Swimming Pools - Any swimming pool shall conform with setback requirements and the Maine Uniform Building and Energy Code Requirements.

4.16 Easements

4.16.3 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.

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

4.18 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.

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

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

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

4.18.6 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 Facility

4.19.2.2 Child Care Center

4.19.3 Performance Standards:

4.19.3.1 Outside Play Area: Outside play areas proposed as part of Home Day Care Facility or Child Care Center shall be fenced and no closer than 25 feet to any adjacent property lines.

4.19.3.2 Hours of Operation: Home 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.

4.19.3.3 Parking:Home Day Care Facilities and Child Care Centers shall provide one off- street parking space per eight (8)children plus one (1) space per employee who does not resideon the premises.

4.19.3.4 Home Day Care Facility. Notwithstanding the definition of Home Day Care Facility, when located in a commercial or industrial district this use is not required to be operated within a dwelling or by aperson residing on the premises. Notwithstanding the definition of Home 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.

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

4.19.4 Approvals Required

4.19.4.1

4.19.4.2 Home 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.

4.22.3 Site Plan Review Application. Wireless telecommunications facilities shall be subject to Site Plan Review under the provisions of §4.1 of this ordinance. Applications for approval of wireless telecommunications facilities, including expansions of existing facilities, shall comply with the application requirements of §4.1.4 and shall include the following additional information:

4.22.3.1 A copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility that the facility will comply with all applicable FCC regulations.

4.22.3.2 A site plan prepared and certified by a professional engineer, registered in Maine, indicating the location, type and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, and setbacks from property lines. The site plan must include certification by a professional engineer registered in Maine that the proposed facility complies with all American National Standards Institute (ANSI) and other applicable technical codes.

4.22.3.3 Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level.

4.22.3.4 A landscaping plan indicating the proposed placement of the facility on the site; the location of existing structures, trees and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing; the color of the structure; and the proposed lighting method.

4.22.3.5 A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information. The narrative shall identify the following:

1. Duration of time for which the proposed facility would be visible to a passing motorist or boater within a designated scenic resource as identified in the Town of Hampden Comprehensive Plan;
2. The tree line elevation of vegetation within 100 feet of the facility; and
3. The distance to the proposed facility from scenic areas and scenic views located within a one mile radius of the proposed site, as designated in the Comprehensive Plan.

4.22.3.6 Evidence demonstrating that no existing building, site, or structure can accommodate the applicant's proposed facility, which may consist of one or more of the following:

1. Evidence that no existing facilities are located within the targeted market coverage area as required to meet the applicant's engineering requirements;
2. Evidence that existing facilities do not have sufficient height, or cannot be increased to a sufficient height at a reasonable cost and within the height limitations of this ordinance, to meet the applicant's engineering requirements;
3. Evidence that existing facilities do not have sufficient structural strength to support the applicant's proposed antenna(e) and related equipment;
4. For facilities existing prior to the effective date of this subsection, evidence that the fees, costs or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable; or
5. Evidence that an otherwise suitable facility is legally unavailable for the applicant's use after a good-faith effort to secure authorization to use such facility.

4.22.3.7 A form of surety approved by the Planning Board to pay for the costs of removing the facility if it is discontinued.

4.22.4 Standards. The applicant for approval of a new wireless telecommunications facility or expansion must demonstrate compliance with the following approval standards:

4.22.4.1 Lot Dimensions. Notwithstanding the lot dimension requirements of the underlying zoning district, the following dimensional standards shall apply to new wireless telecommunications facilities approved under this ordinance:

1. Minimum lot area. The minimum lot area for new wireless telecommunications facilities shall be 10,000 square feet. The area of any access drives shall be excluded in calculating the lot area for this purpose. The Planning Board may require a larger lot when necessary to accommodate guy wires or other supporting cables or structures. The minimum lot area shall not apply to facilities, other than towers, co-located on existing facilities or structures. Provided, that any new facility requiring on-site sewage disposal or an on-site ground water supply shall meet the minimum lot area requirements of the underlying zoning district.
2. Where a lot meeting the requirements of this subparagraph is created through division of an existing lot, through sale, lease, or otherwise, the existing lot, following such division, must continue to meet all dimensional requirements of the underlying zoning district.
3. Minimum road frontage and street yard. The minimum road frontage and street yard requirements of the underlying zoning district shall not apply to lots for new wireless telecommunications facilities. Provided, however, that each lot for a new wireless telecommunications facility shall be provided with leased or deeded access, sufficient for use by emergency and service vehicles, to a public road or year-round public right-of-way.
4. Minimum other yard. The minimum depth for other yards shall be as provided in the underlying zoning district. Transmission towers, tower-mounted antennas, guy wires and other supporting cables and structures may not be located within the required other yard areas. Yard requirements for the principal and accessory structures must be met within the leased or deeded area of the lot concerned.

5. Maximum ground coverage. The maximum ground coverage provisions of the underlying zoning district shall not apply.

6. Maximum height. The maximum height for transmission towers, tower-mounted antennas and supporting towers or antennas shall be two hundred feet (200'). The maximum height for other structures or buildings shall be as provided in the underlying zoning district.

7. Accessory structures. Dimensional requirements for accessory structures shall be as provided in the underlying zoning district.

4.22.4.2 Siting on Municipal Property. If an applicant proposes to locate a new wireless telecommunications facility, or expand an existing facility, on municipal property, the applicant must show the following:

1. The proposed location complies with applicable municipal policies and ordinances.

2. The proposed facility will not interfere with the intended use of the property.

3. The applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.

4.22.4.3 Design for Co-location. A new wireless telecommunications facility and related equipment must be designed to accommodate future co-location of at least three additional wireless telecommunications facilities or providers.

4.22.4.4 Public Road Setback Requirements. New wireless telecommunications facilities approved under this ordinance must be located a minimum of two hundred feet (200') from all public roads and public rights-of-way existing as of the application date. Except as provided in paragraph 5 below, the setback area need not be owned or controlled by the facility owner or applicant.

4.22.4.5 Clear Zones. All telecommunications towers and tower-mounted antenna must be set back one hundred five percent (105%) of the tower height from all abutting properties. This setback requirement may be satisfied by including areas outside the wireless telecommunication facility=s lot boundaries, if secured by a recorded easement that precludes location of buildings intended for human or animal occupancy from the clear zone area. The following exceptions apply to this requirement:

1. The required setback may be reduced by the Planning Board upon a showing by the applicant that the facility is designed to collapse in a manner that will not harm other property.

2. An antenna is exempt from the setback requirement if it extends no more than five feet (5') horizontally from the edge of the structure to which it is attached, and does not encroach upon an abutting property.

4.22.4.6 Landscaping. A new wireless telecommunications facility must be screened with native plants from view of abutting properties, to the maximum extent practicable. The intent is to site such facilities in an existing stand of mature wooded land.

1. This wooded area must surround the tower and accessory structures in all directions for a radius of at least 100 feet from the edge of the proposed development.

2. This landscaping requirement may be satisfied by either a lot of sufficient size to include the required landscaping area or by including areas outside the wireless telecommunication facility’s lot boundaries, if secured by a recorded easement that provides adequate control to preserve existing native plants and natural landforms.

3. The site shall be preserved as follows: Selective cutting of trees within the buffer strip is

permitted provided that a well distributed stand of trees and other vegetation is maintained. For the purposes of this section a "well-distributed stand of trees and other vegetation" adjacent to a tower, shall be defined as maintaining a rating score of twelve (12) or more in any twenty-five (25') foot by twenty-five (25') foot square (six hundred twenty-five [625] square feet) area as determined by the following rating system:

Tree Diameter (DBH, measured 4.5' from ground)	Point Value
2 – 4 inches	1
4 – 12 inches	2
Larger than 12 inches	4

Notwithstanding the above provisions, no more than forty (40%) percent of the total volume of trees four inches or more diameter, DBH may be removed in any ten year period.

4.22.4.7 Fencing. A new wireless telecommunications facility must be fenced to discourage trespass on the facility and to discourage climbing on any structure by trespassers.

4.22.4.8 Lighting. A new wireless telecommunications facility must be illuminated only as necessary to comply with Federal Aviation Administration (FAA) or other applicable federal and state requirements. However, security lighting may be used as long as it is shielded to be down-directional, so as to retain light within the boundaries of the site to the maximum extent practicable.

4.22.4.9 Structural Standards. A new wireless telecommunications facility must comply with the current Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision Standard titled *Structural Standards for Steel Antenna Towers and Antenna Supporting Structures*.

4.22.4.10 Noise. A new wireless telecommunications facility or expansion must be designed to minimize noise disturbances to abutting properties, to the extent practicable. This requirement shall not apply during construction, repair or replacement, while operating a back-up generator during electric power outages, or during testing of a back-up generator between the hours of 8:00 a.m. and 6:00 p.m.

4.22.5 Standard Conditions of Approval. The following standard conditions of approval shall be a part of any approval issued by the Planning Board. Reference to the conditions of approval shall be clearly noted on the site plan, and shall include:

4.22.5.1 Future Co-Location. The owner of the wireless telecommunications facility and his or her successors and assigns agree to:

1. Respond in a timely, comprehensive manner to a request for information from a potential co- location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
2. Negotiate in good faith for shared use of the wireless telecommunications facility by third parties;
3. Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for co-location;
4. Require no more than a reasonable charge for shared use of the wireless telecommunications facility, based on rates typically charged by commercial facility owners in the local market. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs

of adapting the facility tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the projected economic life span of the wireless telecommunications facility.

4.22.6 Discontinuance. A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months after commencement of operation shall be considered to be discontinued. The Code Enforcement Officer shall notify the owner of a discontinued facility in writing and order removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from receipt of the written notice to demonstrate to the Code Enforcement Officer that the facility has not been discontinued.

If the owner fails to show that the facility has not been discontinued, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this period, the municipality may remove the facility at the owners expense. The owner of the facility shall pay all necessary and reasonable site reclamation costs, as determined by the Code Enforcement Officer, to return the site to its pre- construction condition, including the removal of roads and the re-establishment of vegetation.

If a surety has been given to the municipality to assure removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment have been removed by the owner to the satisfaction of the Planning Board, or when the expense of removal and reclamation by the municipality have been reimbursed by the owner or surety.

4.23 Excavation, Gravel Pit, and Quarry – Repealed 2/16/26

4.23.1.1 All activity must comply with the Maine DEP 38 MRSA Section 490

4.24 Performance Standards for Methadone Clinics

4.24.1 Adequacy of Building for the Subject Use. The property and building for a Methadone Clinic 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 shall be located within 500 feet of the property line upon which the Methadone Clinic 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 No more than one (1) Methadone Clinic shall be located within the Town of Hampden.

4.24.4 Hours of Operation. A Methadone Clinic shall only be open between the hours of 6:00 a.m. and 8:00 p.m.

4.24.5 Signs and Advertising. A Methadone Clinic shall conform to the provisions of §4.7.5, Signs, of this Ordinance.

4.24.6 Security Requirements for Subject Use. Security measures at a Methadone Clinic 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 shall be as follows:

4.24.7.1 All activities of a Methadone Clinic 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 Methadone Clinic 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 these facilities, the stricter law or regulation shall control. Any Methadone Clinic 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 Dwelling Units

***4.25.1 Definition*:** 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.

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

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 Attached Accessory Dwelling Units are subordinate to the one-family dwelling unit and therefore shall not occupy more than 50 percent of the Gross Floor Area (GFA) of the one-family 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.

4.25.3.4 The Code Enforcement Officer shall allow reasonable deviation from these standards to allow

installation of features that facilitate access and mobility for handicapped or disabled individuals.

4.25.3.5 The minimum size an Accessory Dwelling Unit can be is 190 square feet (30-A MR 4364-B).

4.26 Private Event Venue

4.26.1 Purpose. The purpose of this section is to regulate Private Event Venues to ensure they are designed and operated in such a manner as to minimize potential nuisance issues with abutters and to protect the health, safety, and general welfare of those in the neighborhood.

4.26.2 Exemptions. The following sites are exempt from the provisions of this §4.26: place of worship, property owned by the Town of Hampden, RSU 22, state owned property that is used for public purposes, or property owned by a non-profit club.

4.26.3 Standards. Private Event Venues must meet the following standards:

Standard	Rural	Rural	Bus / Bus B	TC	CS	Waterfront
Min lot size[1]	5-20	>20	3	5	3	5
Buffers[2]	Class 2[3]	Class 2[3]	Class 2	Class 2	Class 1	Class 1
Min distance to nearest dwelling	150'	150'	100'	100'	100'	100'
Max number of events/year	10[4]	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Max number of days/event[5]	1	3	7	3	7	7
Hours for event[6]	9 am to 10 pm	8 am to 10 pm	8 am to 10 pm	8 am to 10 pm	8 am to 11 pm	8 am to 11 pm
Max number of attendees/event[7]	125	200	300	300	300	300
Permanent signage[8]	12 sq ft	12 sq ft	Per §4.7.5.7.1	Per §4.7.5.7.5	Per §4.7.5.7.3	Per §4.7.5.7.1
Neighborhood notification[9]	Required	Required	Not Required	Not Required	Not Required	Not Required

Footnotes:

1. Minimum acreage of the parcel or parcels that are part of the proposed venue.
2. Buffer required on property lines abutting a residential district or an existing residential use. The Planning Board may modify this requirement by no more than 20% if the physical characteristics of the site prevent the installation of the full buffer, and a smaller buffer would not adversely impact any abutting properties. The Planning Board may modify this requirement to relocate the buffer to be closer to the area where the activity will occur, based on the topography and vegetative type (e.g. open field, wooded) of the site and the general neighborhood.
3. The Board may require a greater buffer if it is determined that sound or light impacts to abutters warrant a greater buffer, based on the topography and existing vegetation (e.g. wooded or open field) on the venue property that lies between the venue and nearby residences.
4. Events held between 9:00 am and 5:00 pm that are held entirely indoors are not counted against this limit, provided the venue has permanent sanitary facilities designed for the maximum number of attendees the facility is designed for.
5. Maximum number of days per event does not include ancillary activities such as wedding rehearsals, rehearsal dinners, decorating the venue, and similar activities for preparation for an event.
6. The hours for the event include activities related to setting up or taking down that produce noise audible at the property line, such as testing musical equipment, but does not include indoor activities or quiet outdoor activities such as setting up chairs, setting tables, and decorating the venue. All activities must cease and all attendees must vacate the property no later than 1 hour after the time listed in the table.
7. The Planning Board may approve an application for no more than 20% more attendees in cases where the event facilities (e.g. buildings housing event hall, restrooms, tents, or outdoor stage or seating area) are situated on the site such that the impact on abutting properties is negligible.
8. Relates to permanent signage, see below for temporary signage.
9. Neighborhood notification is a requirement to mail or email written notice of planned events to all direct abutters as well as any other residences in the neighborhood that request such notification; such notification to be a listing of planned events scheduled for the following month (or more at the venue operators option). The listing must include the dates, type of event, estimated number of attendees, expected hours of the event, and contact information for the venue operator. The purpose of this notification is to allow the neighbors to be aware of the dates and times of events.

4.26.4 In addition to the above standards, all proposed Private Event Venues must comply with the following criteria regardless of which zoning district they are in:

4.26.4.1 Major Site Plan Review is required regardless of whether there are any permanent buildings proposed or not.

4.26.4.2 All parking must be on the site of the venue or on another property provided there is a written agreement with the owner of that property (if not owned by the venue owner) and the off-site location is within walking distance or a shuttle service is provided to transport guests to the venue; no on-street parking is permitted.

4.26.4.3 All parking lots must comply with the requirements of §4.7.1.6.

4.26.4.4 Private event venues with capacity for more than 100 attendees must submit a Traffic and Parking Management Plan as part of the Site Plan application. This Plan must address how traffic will be handled on the adjacent roads and at any critical intersections leading to the site, as determined by the Planning Board (e.g. hire police detail), in addition to the entrance to the site. It must also address how traffic circulation within the parking lot will be handled (e.g. staff to direct attendees to parking spaces). Traffic management must be carried out to handle both traffic arriving at and leaving the site. This Traffic and Parking Management Plan is completely separate from any plan or permit required by the Maine DOT.

4.26.4.5 On-site temporary signage is permitted to guide attendees to the venue, provided the signage is limited to directional instructions and is only displayed on the day(s) of the event and must be removed within one day of the conclusion of the event.

4.26.4.6 Outdoor lighting for the event, including parking lot lighting, must be turned off within one hour of the conclusion of the event. All permanent light fixtures must comply with §4.7.3, Lighting. All temporary light fixtures must be located and aimed such that they do not shine light onto abutting properties or produce glare on adjacent roads.

4.26.4.7 Sanitary facilities:

4.26.4.7.1 For venues approved for more than 6 events per year, permanent bathroom facilities must be provided in compliance with the Maine State Plumbing Code. Additional portable facilities may be used to supplement the permanent facilities.

4.26.4.7.2 For venues approved for 6 or fewer events per year, portable bathroom facilities are permitted. At least one must be handicap accessible.

4.26.4.7.3 The location of each area where portable facilities will be located for all events must be shown on the site plan.

4.26.4.8 The serving of alcoholic beverages must be in compliance with all applicable state laws.

4.26.4.9 Overnight accommodations for attendees is only permitted in duly approved facilities, which may be located on the same property as the Private Event Venue.

4.26.4.10 The site must comply with all applicable state and federal laws concerning accommodations of disabilities, including but not limited to the Americans with Disabilities Act.

4.26.4.11 The owner must comply with the Town of Hampden Private Event Venue Licensing Ordinance.

4.27 Habitability Standards (repealed March 17, 2025, see Maine Uniform Building and Energy Code, State Subsurface Wastewater Disposal Rules and State Plumbing Code)

4.28 Affordable Housing

4.28.1 **Purpose.** The purpose of this section is to allow an automatic density bonus for certain affordable housing developments approved on or after January 1, 2024.

4.28.2 **Applicability.** The affordable housing development density bonus shall be an option for any development that meets the following criteria. The Development shall be:

4.28.2.1 An affordable housing development as defined in this chapter, which includes the requirement that a majority of the total units on the lot are affordable.

4.28.2.2 Located in a designated growth area as identified in the Town's Comprehensive Plan or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system.

4.28.2.3 Located in an area in which multi-family dwellings are allowed land use per Section 3.1.3 use table.

4.28.2.4 Required to provide written verification that each unit of the housing development is proposed to be connected to adequate water and wastewater services prior to any approval issued by the Code Enforcement Officer or planning board.

4.28.2.5 Required to (1) execute a restrictive covenant that is enforceable by a party acceptable to the municipality; and (2) record the restrictive covenant in the Penobscot registry of deeds to ensure that for a least thirty (30) years after completion of construction:

4.28.2.5.1 For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

4.28.2.5.2 For owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

4.28.3 **Density Bonus**. If the above criteria in this section are met, an affordable housing development shall:

4.28.3.1 Have a dwelling unit density of up to 2.5 times the base density that is otherwise allowed in that location as identified in Table 3.4.1 of this ordinance; and

4.28.3.2 Provide no more than two (2) off-street parking motor vehicle spaces for every three (3) dwelling units of an affordable housing development. If fractional results occur when calculating the density bonus in this subsection, the number of units is rounded down to the nearest whole number.

4.28.4 **Phased Projects.** The Town may issue certificates of occupancy for dwelling units in a phase of an affordable housing project only if a sufficient number of affordable dwelling units, subject to an affordable housing agreement consistent with his sub section 4.28 above are included in the phase and more than one half of the total number of dwelling units that will be approved for occupancy at the end of the phase constitute affordable dwelling units.

Permitting and Review. This section does not exempt any development from other permitting and review requirements and processes in this zoning ordinance such as site plan review and or subdivision review.

ARTICLE 5 – **ENFORCEMENT**

5.1 Administrative Officer - This Ordinance shall be enforced by a Code Enforcement Officer appointed by the Town Manager with confirmation by the Town Council.

5.2 Duties - The Code Enforcement Officer, in enforcing this Ordinance, shall be responsible for establishing reasonable procedures for enforcement, keeping all activities within the jurisdiction of this Ordinance under surveillance, issuing building and/or use permits where applicable, keeping public records of his proceeding and instituting or causing to be instituted any or all actions that might be appropriate for the enforcement of this Ordinance.

5.3 Permits - Application for a building permit and/or a certificate of compliance shall be made in accordance with the following.

5.3.1 Building Permits

5.3.1.1 Building Permit Required - Building Permits shall be required per the Maine Uniform Building and Energy Code as amended from time to time.

5.3.1.2 No building permit shall be issued except in conformity with the provisions of this Ordinance. However, when a building permit is requested for a lot within a subdivision approved by the Planning Board and recorded in the Penobscot County Registry of Deeds and has not been vacated, a building permit may be issued without compliance with the frontage requirement of §3.4.1.

5.3.1.3 Action on an application will be as required per the Maine Uniform Building and Energy Code as amended from time to time. The Code Enforcement Officer shall approve or deny such application or shall refer the applicant to the Planning Board or the Board of Appeals. The decision shall be in writing and communicated directly to the applicant. In the case of a denial of an application, the decision shall include reasons for such. One (1) copy of the Code Enforcement Officer's decision shall be filed in the municipal office.

5.3.1.4 No building permit for a building or structure on any lot shall be issued except to the owner of record thereof, or his authorized agent. The Code Enforcement Officer may require that any application for such a permit shall be accompanied by a plan, accurately drawn to scale, showing the actual shape and dimensions of the lot to be built upon, an on-site soils survey, the exact location and size of all buildings or structures already on the lot, the location of new buildings to be constructed, together with the lines within which all buildings and structures are to be constructed, the existing and intended use of each building or structure, and other such information as may be necessary to provide for the execution and enforcement of this Ordinance.

5.3.1.5 Applications for permits with their accompanying plans and building permits shall be maintained by the Code Enforcement Officer, per State law

5.3.1.6 A building permit secured under the provisions of this Ordinance shall expire per the Maine Uniform Building and Energy Code.

5.3.1.7 No permit or certificate shall be issued without payment of fees in accordance with the Town of Hampden Fees Ordinance. Any structure on which construction, including but not limited to foundation work, has begun before the issuance of a building permit will be assessed double the applicable fees, this includes plumbing, septic and sewer connections.

5.3.1.8 Wastewater Disposal/Sewer Connection Permit Required - No building permit shall be issued for any structure or use involving the construction, installation, or alteration of plumbing facilities unless either a subsurface wastewater disposal permit or sewer hook-on permit has been secured by the applicant or his authorized agent in conformance with the State of Maine Subsurface 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 request an inspection for a certificate of occupancy to the Code Enforcement Officer.
2. The Code Enforcement Officer, Local Plumbing Inspector, Building Official, and Fire Inspector, or designees, 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 the Certificate of Occupancy Inspection.
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 submit an application for a "final" Certificate of Occupancy and pay the applicable fees.
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.

1. After completion of the work permitted by the Planning Board and stabilization of the site, the applicant shall request an inspection 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, Public Works Director, Town Engineer, and Town Planner, or designees, 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 the Certificate of Compliance Inspection.
4. Certificates of compliance for developments within approved subdivisions 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.
5. The Code Enforcement Officer may issue one conditional Certificate of Compliance, 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, Fire Inspector, Public Works Director, Town Engineer, and Town Planner, or designees, the completed portion or portions of the site may be occupied safely. Once the development is completed, the

applicant shall submit an application for a "final" Certificate of Compliance and pay the applicable fees. Failure to do so shall constitute a violation of the Planning Board approval.

6. The Code Enforcement Officer shall maintain a public record of all Certificates of Compliance which are issued.

5.3.2.3 The Code Enforcement Officer shall in writing, suspend or revoke a certificate of occupancy or a certificate of compliance issued under the provisions of this ordinance if the certificate was issued in error, if the certificate was issued on the basis of incorrect information supplied by the applicant, or where it is determined that the building, structure, or site is in violation of the Town of Hampden Zoning Ordinance.

5.4 Legal Action and Violations - When any violation of any provision of this Ordinance shall be found to exist, the Code Enforcement Officer is hereby authorized and directed to institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town of Hampden. However, this section shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this Ordinance.

5.4.1 Civil Violation - Any person, firm, or corporation, being the owner of, or having control of, or the use of, any building or land or part thereof, who violates any of the provisions of this Ordinance shall be guilty of a civil violation and upon conviction thereof shall be fined in accordance with the following (Title 30-A §4452) :

5.4.1.1 The minimum penalty for starting construction or undertaking a land use activity without a required permit shall be one hundred dollars ($100.00), and the maximum penalty shall be two thousand five hundred dollars ($2,500.00); and

5.4.1.2 The minimum penalty for a specific violation shall be one hundred dollars ($100.00), and the maximum penalty shall be five thousand dollars ($5000.00).

All civil penalties imposed shall ensure to the benefit of the Town of Hampden. Each day any violation continues to exist after notification shall constitute a separate offense.

ARTICLE 6 - APPEALS

6.1 Creation and Appointment of the Board of Appeals

6.1.1 Establishment - A Board of Appeals is hereby established in accordance with the state law and the provisions of this Ordinance. The Board of Appeals shall be governed by 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.

6.2 Jurisdiction

6.2.1 Administrative Appeals - All administrative 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. The Board of Appeals shall hear and decide administrative appeals except for appeals of enforcement decisions made by the Code Enforcement Officer. The term "enforcement decisions" refers to violation determinations and enforcement actions taken by the Code Enforcement Officer. An administrative appeal is an appeal:**6.2.2** Where it is alleged that there is an error in any order, requirement, decision, or determination by the Code Enforcement Officer or the Planning Board in the administration of this Ordinance. For an alleged error to be reviewed, it must involve a standard which is easily measurable such as a dimensional or numerical standard. A decision of the Planning Board, based on a judgmental, non-numerical standard, is not a matter for review by the Board of Appeals. If the Board of Appeals finds that the Code Enforcement Officer or the Planning Board acted wrongly in the administration of this Ordinance relative to such dimensional or numerical standards, upon a vote in favor of the appellant of at least three (3) members of the Board of Appeals, the board may order the Code Enforcement

Officer or the Planning Board to modify or reverse their decision.**6.2.3** Where it is alleged that the Planning Board or the Code Enforcement Officer refused to consider certain information or evidence, submitted by the applicant or an interested party, in making its decision. In this case the appellant must prove to the Board of Appeals that the information in question was submitted, that it is germane to the issue under consideration, and that the accused board or officer did not consider the information in making its decision. A vote in favor of the appellant must include a majority vote of the Board of Appeals members present and eligible to vote, provided such vote shall include at least two (2) votes in favor of the appellant.**6.2.4** Where there are contradictions or incomplete or inconclusive definitions within this Ordinance which affect the decisions of the Planning Board or the Code Enforcement Officer in the enforcement of the Ordinance in a specific case. In the case of contradictions, the Board of Appeals shall first resolve the conflict in favor of the property owner and then notify the Planning Board and the Town Council of any potential need to amend the Ordinance. In the case of incomplete or inconclusive definition, the Board of Appeals shall clarify the definition based on any of the following consideration: the context in which the word is used in the Ordinance; the legislative intent implicit in the use of the word; definitions given by experts qualified in the field under consideration; other evidence which is germane to the issue but does not involve the specific proposal at hand; and ordinary usage of the word.

A vote in favor of the appellant must include a majority vote of the Board of Appeals members present and eligible to vote provided such vote shall include at least two (2) votes in favor of the appellant. The Board of Appeals shall then report its decision to the appropriate board or officer for such board or officer to use in the execution of their duty as assigned under this Ordinance. **6.2.5** Or where it is alleged that a procedural error was made by the Planning Board or the Code Enforcement Officer in the administration or enforcement of this Ordinance. In this case, if the appellant proves that a procedural error has been made, the Board of Appeals shall remand the case back to the appropriate board or officer and order that the case be reconsidered, following the correct procedure(s). A vote in favor of the appellant must include a majority vote of the Board of Appeals members present and eligible to vote provided such vote shall include at least two (2) votes in favor of the appellant.

6.3 Variances - The Board of Appeals shall hear and decide variance applications, with the exception of accessibility to dwellings for persons with disabilities (see §6.2.2.3.2). All variance applications are subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, decisions of the Board of Appeals and appeals to Superior Court. A variance from the provisions of the Zoning Ordinance may be granted by the Board of Appeals in accordance with the following provisions.

6.3.1 General Variances. A variance may be granted from the restrictions imposed by Zoning Ordinance in §3.4.1, Table of Dimensional Requirements, Maximum Building Height, §4.3, Rural Alternate Frontage Lots, §4.10, Use of Residence for Business Purposes, or §4.18, Essential Services, only when a strict application of the Ordinance to the petitioner and the petitioner's property would cause undue hardship, which means that:

1. The land in question cannot yield a reasonable return unless a variance is granted; and
2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
3. The granting of a variance will not alter the essential character of the locality; and
4. The hardship is not the result of action taken by the applicant or a prior owner; and
5. When a variance to the maximum height restriction listed in §3.4.1 is requested, the setbacks must be increased by one foot for every foot of additional height over the maximum height allowed in the Table of Dimensional Requirements.

6.3.2 Dimensional Variances. A variance may be granted to reduce the restrictions imposed by Zoning Ordinance in §3.4.1, Table of Dimensional Requirements pertaining to lot area, frontage, building coverage, impervious coverage, or setbacks, only when the following conditions exist:

6. Strict application of the Ordinance to the petitioner and the petitioner's property would cause a practical difficulty, which means that the strict application of the Ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located; and

7. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood; and
8. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties; and
9. The practical difficulty is not the result of action taken by the petitioner or a prior owner; and
10. No other feasible alternative to a variance is available to the petitioner; and
11. The granting of a variance will not unreasonably adversely affect the natural environment; and
12. The property is not located in whole or in part within shoreland areas as delineated in Hampden's Shoreland Zoning Ordinance.

6.3.3 Set-back variance for single-family dwellings. A variance for a single-family dwelling from the setback requirement in §3.4.1, Table of Dimensional Requirements may be granted only when strict application of the zoning ordinance to the petitioner and the petitioner's property would cause undue hardship and meet the additional requirements.

6.3.3.1 The term "undue hardship" used in 6.3.1 means:

1. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
2. The granting of a variance will not alter the essential character of the locality; and
3. The hardship is not the result of action taken by the applicant or a prior owner; and
4. The granting of the variance will not substantially reduce or impair the use of abutting property; and
5. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

2. Additional Requirements

1. The single-family residence is the primary year-round residence of the petitioner.
2. The variance may not exceed 20% of the setback requirement, Or
3. The variance may exceed 20% of the setback requirement, except for minimum setbacks from a wetland or water body required within shoreland zones, if the petitioner has obtained the written consent of an affected abutting landowner(s).
4. The variance may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage.

6.3.3.2 Disability Variances. Requests for variances related to persons with a disability may be approved as follows. In this section, the term "disability" has the same meaning as a physical or mental disability under Title 5 MRSA §4553-A, as amended. All medical records and other documents submitted for the purpose of describing or verifying a person's disability are confidential.

6.3.3.2.1 Vehicle Storage. The Board of Appeals may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling for the construction of a place of storage and parking for a noncommercial vehicle and no other purpose. For the purposes of this paragraph, "noncommercial vehicle" means a motor vehicle as defined in Title 29-A, §101-42 with a gross vehicle weight of no more than 6,000 pounds, bearing a disability registration plate issued pursuant to Title 29-A, §521 and owned by the person with the permanent disability. The width and length of the structure may not be larger than two times the width and length of the noncommercial vehicle. The owner must submit proposed plans for the structure with the variance request. The applicant must prove by a preponderance of the evidence that the person's disability is permanent. The board may impose conditions on the variance.

6.3.3.2.2 Dwelling Accessibility. The Code Enforcement Officer is hereby authorized to issue a permit to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling, even when the proposed structures encroach into setbacks and would require a variance. However, only structures or equipment necessary to provide ingress and egress for the person with the disability may be approved for a variance under this subsection. Eligible structures include ramps and associated railings, and walls or roof systems necessary for the safety or effectiveness of the ramps. The Code Enforcement Officer may impose conditions on the permit, including limiting the permit to the duration of the disability or to the time that the person with the disability lives in the dwelling.

6.3.3.3 The variance authority of the Board of Appeals is limited to the matters expressly set forth in §6.2.2.1, §6.2.2.2.and §6.2.2.3. Establishment of or an expansion of a nonconforming use shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district.

6.3.3.4 The Board of Appeals shall grant a variance only by a concurring vote of at least a simple majority of the Board as constituted and in so doing, may prescribe any conditions and safeguards as are deemed necessary or appropriate by the board for carrying out the intent and purpose of this Ordinance. The Board shall not hear within any twelve (12) month period more than one variance application requesting the same, or substantially similar, relief.

6.3. Appeal Procedure

6.3.1 In all cases outlined under the provisions of §6.2.1 of this Ordinance, a person aggrieved by the decision of a town board or official shall commence his appeal within thirty (30) days after a decision is made by said board or official. The appeal shall be filed with the Board of Appeals on forms approved by the board, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.

6.3.2 Following the filing of an appeal, and before taking action on any appeal, the Board of Appeals shall hold a public hearing on the appeal at the next regularly scheduled meeting which would be held more than twenty (20) days from the date the appeal was filed. The Board of Appeals shall notify the Code Enforcement Officer and the Planning Board, in advance, of the time and place of the hearing, and shall publish notice of the hearing at least ten (10) days in advance in a newspaper of general circulation in the area.

6.3.3 In appeals involving the use of buildings or premises, the Board of Appeals shall notify by mail the appellant and the owners of all property within five hundred (500') feet of the property involved at least ten (10) days in advance of the hearing, of the nature of the appeal and of the time and place of the public hearing.

6.3.4 In the case of appeals involving space and bulk regulations or interpretation, the Board of Appeals shall notify by mail the appellant and only the owners of property abutting the property for which an appeal is taken, at least ten (10) days in advance of the hearing, of the nature of the appeal and of the time and place of the public hearing thereon. For the purpose of this section, abutting properties shall include properties directly across a street or waterbody from the property for which the appeal is made if such property is located in the Town of Hampden.

6.3.5 All variance appeals shall include application fees paid in accordance with the Town of Hampden Fees Ordinance.

6.3.6 The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.

6.3.7 Within thirty-five (35) days of the public hearing, the Board of Appeals shall reach a decision on an appeal at a public meeting and shall inform, in writing, the appellant, the Code Enforcement Officer, the Planning Board, and Town Council of its decision and its reasons therefore.

6.3.8 Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer or the appropriate board or officer of the town shall issue the contested permit in accordance with the conditions of the approval.

6.3.9 A variance under the provisions of this Ordinance secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within one year of the date on which the appeal is granted, and if the work or change is not substantially completed within two (2) years.

6.3.10 An appeal may be taken from the decision of the Board of Appeals to the superior court within thirty (30) days after the filing of the written decision with the town office and in accordance with the provisions of rule 80(B) of the Maine Rules of Civil Procedure.

6.3.11 A copy of all variances granted by the Board of Appeals for property within shoreland areas shall be submitted to the department of environmental protection.

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 one-family dwelling unit located on the same parcel of land, as defined by M.R.S.A. Title 30-A §4301, Subsection 1-C

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

Adult Day Services: A dwelling unit, 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 adults. Adult Day Services, with or without consideration for the services rendered, may be operated as a service business or within a church or community building.

Adult Use Cannabis Cultivation Facility 1: As defined by the State of Maine in 28-B M.R.S. §102-A(25) and licensed with the State of Maine as a Tier 1 Cultivation Facility and operated in accordance with 28-B M.R.S. §501.

Adult Use Cannabis Cultivation Facility 2: As defined by the State of Maine in 28-B M.R.S. §102-A(25) and licensed with the State of Maine as a Tier 2 Cultivation Facility and operated in accordance with 28-B M.R.S. §501.

Adult Use Cannabis Cultivation Facility 3: As defined by the State of Maine in 28-B M.R.S. §102-A(25) and licensed with the State of Maine as a Tier 3 or Tier 4 Cultivation Facility and operated in accordance with 28-B M.R.S. §501.

Adult Use Cannabis Nursery Cultivation Facility: As defined by the State of Maine in 28-B M.R.S. §102-A(25) and licensed with the State of Maine as a Nursery Cultivation Facility and operated in accordance with 28-B M.R.S. §501.

Adult Use Cannabis Products Manufacturing Facility 1: As defined by the State of Maine in 28-B M.R.S. §102-A(51) and licensed with the State of Maine as a Products Manufacturing Facility operated in accordance with 28-B M.R.S. §502; except those that use Inherently Hazardous Substances (IHS).

Adult Use Cannabis Products Manufacturing Facility 2: As defined by the State of Maine in 28-B M.R.S. §102-A(51) and licensed with the State of Maine as a Products Manufacturing Facility that uses Inherently Hazardous Substances (IHS) and operated in accordance with 28-B M.R.S. §502.

Adult Use Cannabis Specified Event Sales: As defined by the State of Maine in 28-B M.R.S. §102-A(60), permitted by the State of Maine to sell at a specified event and operated in accordance with 28-B M.R.S. §504-A.

Adult Use Cannabis Store: As defined by the State of Maine in 28-B M.R.S. §102-A(16) and licensed by the State of Maine as a Cannabis Store and operated in accordance with 28-B M.R.S. §504.

Adult Use Cannabis Testing Facility: As defined by the State of Maine in 28-B M.R.S. §102-A(64) and

licensed by the State of Maine as a Testing facility and operated in accordance with 28-B M.R.S. §503.

Affordable Housing: A decent, safe and sanitary dwelling, apartment, or other living accommodation for a household whose income does not exceed 120% of the median income for the area.

Affordable Housing Development: A residential development where 51% or more of the dwelling units are affordable housing.

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 cultivation of cannabis.

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). Does not include cannabis uses or cannabis products.

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, except chickens as defined in animals as usual pets.

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, 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.

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.

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 Official: The Code Enforcement Officer or their designee.

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

Building distance: Also known as structure separation, is the minimum horizontal distance between the nearest part of structure to the nearest part of another structure.

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.

Cannabis: the leaves, stems, flowers and seeds of a cannabis plant, whether growing or not. "Cannabis" includes cannabis concentrate but does not include hemp as defined in 7 M.R.S. § 2231 or a cannabis product.

Cannabis product: a product composed of cannabis or cannabis concentrate and other ingredients that is intended for use or consumption. "Cannabis product" includes, but is not limited to, an edible cannabis product, a cannabis ointment and a cannabis tincture. "Cannabis product" does not include cannabis concentrate or a product containing hemp as defined in 7 M.R.S. §2231.

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, , 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.

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. Does not include the propagation and sale of cannabis or cannabis products.

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.

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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.

Designated Growth Area: Zones that are designated for residential growth in Hampden's Comprehensive Plan.

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 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 cannabis or products containing cannabis.

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.

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

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.

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 road or street, 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 and provide legal vehicle access to the parcel.

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.

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 cannabis for medical use pursuant to Title 22, chapter 558-C or adult use cannabis pursuant to Title 28-B, chapter 1.

Home Day Care Facility: A dwelling unit 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

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.

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.”

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.

Local Area Median Income: Census median income data for the Greater Bangor Area.

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 of record.

Lot area: The total horizontal area within the lot lines.

Lot, corner: A lot with at least two contiguous sides abutting upon streets.

Lot lines: The lines bounding a lot.

Lot line, front: The line separating the lot from the street. On a lot fronting on more than one street, the line separating the lot from any street.

Lot line, rear: The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10') feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

Lot line, side: Any lot line other than the front lot line or rear lot line.

Lot of record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the Penobscot County Register of Deeds.

Lot Split: The division of a parcel of land into two or more lots where the division does not meet the definition of "Subdivision" in the Subdivision Ordinance.

Lot width: The horizontal distance between the side lot lines, measured at the front setback line.

Manufactured housing: "Manufactured housing" means a structural unit or units designed for occupancy and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. The term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. For purposes of this Act, two (2) types of manufactured housing are included. They are:

a. *Certified manufactured home:* These include:

    1. *Certified mobile home:* Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the HUD standard, meaning structures transportable in one or more sections, which in the traveling mode, are fourteen (14') body feet or more in width and are seven hundred fifty (750) or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 United States Code 5401 et seq.; also included are:

    2. *Modular homes*: Those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and Title 10, chapter 957, and rules adopted under

that chapter, meaning structures transportable in one (1) or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

b. *Non-certified mobile homes*: Those units constructed prior to June 15, 1976, meaning structures, transportable in one (1) or more sections, which are eight (8') body feet or more in width and are thirty- two (32') body feet or more in length, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

c. *Other manufactured homes*: All manufactured homes which are neither certified manufactured homes nor non-certified mobile homes.

Manufacturing: The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, the treatment of materials, and the blending of materials. This definition does not include any type of manufacture of medical or adult-use cannabis.

Marina: A shorefront commercial facility with provisions for one (1) or more of the following: boat storage, boat launching, or the sale of supplies and services for watercraft and their equipment and accessories.

Maximum Gross Density: The total number of units divided by the gross area of the parcel(s) to be developed, including open space to be set aside.

Medical Cannabis Manufacturing Facility 1: As defined by the State of Maine in 22 M.R.S. §2421-A(27) and registered with the State of Maine as a Tier 1 manufacturing facility; except those that use Inherently Hazardous Substances (IHS).

Medical Cannabis Manufacturing Facility 2: As defined by the State of Maine in 22 M.R.S. §2421-A(27) and registered with the State of Maine as a Tier 2 manufacturing facility; except those that use Inherently Hazardous Substances (IHS).

Medical Cannabis Manufacturing Facility 3: As defined by the State of Maine in 22 M.R.S. §2421-A(27) and registered with the State of Maine as an Inherently Hazardous Substances (IHS) manufacturing facility.

Medical Cannabis Registered Caregiver 1: A single Registered Caregiver on a property that is registered with the State of Maine for only Cultivation and Transfer/Sale to patients.

Medical Cannabis Registered Caregiver 2: More than 1 Registered Caregiver on a property or a single Registered Caregiver that is registered with the State of Maine for Manufacturing, Manufacturing with Edibles, or Retail Store; except those that use Inherently Hazardous Substances (IHS).

Medical Cannabis Registered Caregiver 3: A Registered Caregiver that is registered with the State of Maine for Manufacturing with Inherently Hazardous Substances (IHS).

Medical Cannabis Registered Caregiver Retail Store: As defined by the State of Maine in 22 M.R.S. §2421-A(12).

Medical Cannabis Registered Dispensary 1: As defined by the State of Maine in 22 M.R.S. §2421-A(41); except those that use Inherently Hazardous Substances (IHS).

Medical Cannabis Registered Dispensary 2: As defined by the State of Maine in 22 M.R.S. §2421-A(41) that use Inherently Hazardous Substances (IHS).

Medical Cannabis Testing Facility: As defined by the State of Maine in 22 M.R.S. §2423-A(10).

Medical office or clinic: An office where patients interact with medical providers, such as but not limited to a

physician's office, dental office, chiropractor's office, optometrist office, or physical therapy office. Includes walk-in clinics, but excludes methadone clinics.

Methadone Clinic: Methadone Clinic is a clinic which has been established for the dispensing of methadone (Dolophine) to those who abuse heroin and other opiates. The focus of these clinics is the elimination or reduction of opiate usage by putting the patient on methadone.

Microcell Wireless Telecommunications Facilities: see Wireless Telecommunications Facilities, Microcell:

Mineral Extraction: For the purpose of shoreland zoning, any operation which, within any twelve (12) month period, removes more than one hundred (100) cubic yards of soil, loam, gravel, clay, bedrock, peat or other similar material from its natural location to be processed or transported to another location.

Mixed residential/commercial use: A project that includes both residential and non-residential uses within the same development (e.g. a store with an apartment above, or a project with a residential area and a commercial area that is designed as a single coordinated and integrated project).

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.

Manufactured housing park: Means a parcel of land under unified ownership approved by the municipality for the placement of 3 or more manufactured housing units.

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.

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.

One-family 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 "Manufactured Housing".

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. $\frac{\text{OPEN SPACE AREA}}{\text{GROSS AREA}}$

Open Space & Recreation Area: (mobile home parks) an unoccupied space exclusive of parking, drives, and structures, set aside for the purpose of passive and/or active recreation.

Open space use: A use involving none of the following: a principal structure; earth-moving activity; the removal or destruction of vegetative cover, spawning grounds of fish, aquatic life, bird or other wildlife habitat.

Operator: The owner or operator of an excavation.

Operator (building): Any person who has charge, care, management, or control of any dwelling or part thereof in which dwelling units or rooming units are let or offered for occupancy.

Other governmental facility: Any land area, structure, building, location, equipment or combination thereof, owned or operated by another municipality, any county government, the State of Maine government, or United States government.

Outdoor dining: An outside area designated for dining with tables and or seating in conjunction with a restaurant. This area may be enclosed on no more than three sides and may be covered with a roof or other structure (e.g. pergola).

Outdoor recreation: Any use of land to accommodate the gathering, seating, or entertainment, of ten (10) or more people for the purpose of recreation where the activity is not enclosed within a building. Other uses in the Use Table that have more specific definitions shall be interpreted using those definitions (e.g. campground, golf course).

Outdoor storage: The keeping of goods, equipment, or materials outside of any structure, where it is the primary use of the property; a small office building may be located on the site. Note that other uses may include outdoor storage as an ancillary use, e.g. warehousing, wholesale distribution, or retail businesses.

Owner: Any person or persons who alone, jointly, severally, or jointly and severally with others:

- Shall have legal or record title to any dwelling, dwelling unit, or dwelling premises;
- Shall have charge, care, or control of any dwelling, dwelling unit, or dwelling premises as an agent of the owner, executor, administrator, trustee, or guardian of the estate of the owner;

• Shall have an equitable interest in a dwelling, dwelling unit, or dwelling premises under a contract or a bond for a deed with the person having legal or record title

Park or playground: A noncommercial, not-for profit facility designed to serve the recreation needs of the residents of the community. Such facilities include subdivision recreation facilities (neighborhood parks and playgrounds), community parks, and regional parks, and they may include passive recreation or active recreation such as ball fields, swimming facilities, boating facilities, and playground equipment.

Parking space: An area exclusive of drives, aisles or entrances, fully accessible for the storage or parking of vehicles designed in accordance with the standards contained in §4.7 of this Ordinance.

Peak Hour Trip: A one-way vehicular trip occurring during the hour of the day during which the traffic volume on the adjacent roadway segment is higher than the volume during any other hour of the day.

Permit Granting Authority: The officer, committee, or board responsible for acting upon an application. This includes the Code Enforcement Officer for projects requiring a permit for construction or a minor revision to an approved site plan, the Staff Review Committee for projects requiring minor site plan review, or the Planning Board for projects requiring major site plan review, conditional use review, or subdivision review.

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: Refer to Road or Street definition.

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 cannabis, nor petroleum refining.

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

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.

Recreational shelter: A building, structure, vehicle, trailer, or other enclosure used or intended for human habitation that does not meet the standards set forth in the Maine Uniform Building and Energy Code, the State of Maine Manufactured Housing Act, or issued a Tiny Home Title under the provisions of 29-A M.R.S. §651(7). This includes, but is not limited to, recreational vehicles, motor homes, campers, camp or truck trailers.

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 cannabis (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 carryout, and/or sit-down facilities where food consumption is on-site, 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.

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 medical or adult use cannabis 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 surveyed and recorded at the Penobscot County Registry of Deeds, provided the road and structures follows the correct requirements found in Section 2.3.7 of the Subdivision Ordinance, and that legal access to the lot(s) on the private road/way exists elsewhere (e.g. in a deeded access easement).

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.

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, design, symbols, together with the background which is not a normal color of the building. An inconspicuous support exemplified by a slim post is not part of the sign. Both sides of freestanding signs, pole signs and projecting signs may be used for advertisement, announcement, or direction. Limitation of sign size refers to the structure of the sign, not to the surface.

Sign, Detached or freestanding: Shall mean a sign that is not attached to any building or structure and is portable and self-supporting.

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

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.

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.

Solid waste: Non-liquid waste originating from households and regular commercial activities, excluding construction and demolition materials. This category encompasses materials that are no longer useful or wanted, including but not limited to rubbish, garbage, scrap materials, discarded items, inert fill material, and landscape waste, while excluding septic tank sludge and agricultural waste.

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.

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: 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. This includes “Manufactured housing.”

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 medical or adult use cannabis sales shall not 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.

Water recreational facility, low intensity: A recreational land use which is dependent on direct access to the water, including buildings or other structures if any, located on the shore of any river or water body, such as a boat launch for non-motorized boats, a picnic area, or a nature preserve with or without trails.

Water recreational facility, high intensity: A recreational land use which is dependent on direct access to the water, including buildings or other structures if any, located on the shore of any river or water body, such as a boat launch for motorized boats, a beach, or a campground.

Wholesale: An establishment engaged in the sale and/or distribution of merchandise to other businesses – commercial, industrial, institutional, etc. – and not directly to the general public.

Wireless Telecommunications Facilities: The term “wireless telecommunications facilities” as used in this ordinance means any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, un-licensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, personal communications service (PCS) or pager services.

Wireless Telecommunications Facilities, Microcell: The term microcell wireless telecommunications facilities as used in this ordinance means any antenna, other device which provides cellular phone services, personal communications service (PCS) or pager services. Microcell wireless telecommunication facilities shall be co-located on water towers including the tank surfaces in a manner that minimizes and mitigates any adverse impacts upon affected properties, streetscapes, and vistas through careful design, siting, screening, landscaping, and innovative camouflaging techniques shall be considered accessory to a water tower use.

Such microcell antennas and supporting electrical and mechanical equipment located on a water tower shall be surface mounted wherever feasible so as to blend in with the contour and color. Antennas and equipment mounted on top of a water tower shall not extend more than 20 feet above the principal structure.

Working Excavation: The area of extraction, including side slopes, of an excavation for borrow, topsoil, loam, gravel, rock, sand, clay, silt, or other similar non-metallic earth materials whether alone or in combination. The area of a "working excavation" does not include areas for stockpiles, permanent fixed structures such as an office building, permanent processing facility, or fixed fuel storage.

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

Yard, other: An unoccupied space between any structure and any property line which is not a street yard.

Yard, rear: The area of land between the rear lot line and the nearest part of the principal building.

Yard, side: The area of land between the side lot line and the nearest part of the principal building.

Yard, street: An unoccupied space between a public or private street right of way or proposed public street right of way and any structure. For the purpose of this definition, right of way shall include only rights of way for the passage of motorized vehicles and not right of ways for power transmission lines, fuel pipelines, or other.

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Appendix 2: Zoning Amendment History

Adopted First Zoning Ordinance December 1964

Repeal and Adoption by Town Referendum March 13, 1979

Town Council Adopted Amendment on:	Amendment Became Effective on:	Sections Amended:
July 2, 1979	August 2, 1979	*(unknown if blank)*
August 6, 1979	September 6, 1979	
April 21, 1980	May 21, 1980	
January 5, 1981	February 5, 1981	
May 4, 1981	June 4, 1981	
September 8, 1981	October 8, 1981	
January 5, 1982	February 4, 1982	
May 3, 1982	June 3, 1982	
June 7, 1982	July 7, 1982	
September 7, 1982	October 7, 1982	
October 4, 1982	November 4, 1982	
February 22, 1983	March 22, 1983	
April 4, 1983	May 4, 1983	
June 20, 1983	July 20, 1983	
July 5, 1983	August 5, 1983	
September 19, 1983	October 19, 1983	

Amended by Town Referendum November 8, 1983

Town Council Adopted Amendment on:	Amendment Became Effective on:	Sections Amended:
February 6, 1984	March 6, 1984	*(unknown if blank)*
May 7, 1984	June 6, 1984	
October 11, 1984	November 11, 1984	
March 18, 1985	April 17, 1985	
October 7, 1985	November 6, 1985	
May 5, 1986	June 6, 1986	
March 2, 1987	April 1, 1987	
March 16, 1987	April 15, 1987	
April 6, 1987	May 6, 1987	
May 18, 1987	June 17, 1987	
August 3, 1987	September 3, 1987	
September 21, 1987	October 20, 1987	
October 5, 1987	November 3, 1987	
December 21, 1987	January 20, 1988	
March 7, 1988	April 6, 1988	
April 4, 1988	May 3, 1988	
August 1, 1988	August 30, 1988	
October 17, 1988	November 16, 1988	
January 3, 1989	February 1, 1989	
April 17, 1989	May 17, 1989	
May 15, 1989	June 13, 1989	

Town Council Adopted Amendment on:	Amendment Became Effective on:	Sections Amended:
December 4, 1989	January 3, 1990	
May 7, 1990	June 6, 1990	
June 4, 1990	July 4, 1990	
August 6, 1990	September 5, 1990	
September 17, 1990	October 16, 1990	
November 5, 1990	December 5, 1990	
December 3, 1990	January 3, 1991	
February 4, 1991	March 4, 1991	
April 15, 1991	May 15, 1991	
June 3, 1991	July 3, 1991	
November 18, 1991	December 18, 1991	
December 16, 1991	January 15, 1992	
January 21, 1992	February 20, 1992	
May 4, 1992	June 3, 1992	
June 15, 1992	July 15, 1992	
July 6, 1992	August 5, 1992	
August 17, 1992	September 16, 1992	
October 5, 1992	November 4, 1992	
May 17, 1993	June 16, 1993	
June 21, 1993	July 21, 1993	
October 4, 1993	November 3, 1993	
February 7, 1994	March 9, 1994	
August 8, 1994	September 7, 1994	
August 22, 1994	September 21, 1994	
October 3, 1994	November 2, 1994	
June 19, 1995	July 19, 1995	
November 6, 1995	December 5, 1995	
December 18, 1995	January 17, 1996	
January 16, 1996	February 15, 1996	
October 21, 1996	November 20, 1996	
December 2, 1996	January 1, 1997	
January 21, 1997	February 20, 1997	
November 3, 1997	December 3, 1997	
February 1, 1999	March 4, 1999	
March 8, 1999	April 8, 1999	
April 5, 1999	May 5, 1999	
June 19, 1995	July 19, 1995 (corrected date September 20, 1999)	
November 15, 1999	December 16, 1999	
May 15, 2000	June 14, 2000	4.14.8.2.4
June 19, 2000	July 19, 2000	3.13.5.4
December 4, 2000	January 3, 2001	7.2
February 20, 2001	March 22, 2001	3.1.1, 3.1.2, 3.1.4, 7.2
May 21, 2001	June 20, 2001	3.6.2, 3.6.3
October 01, 2001	October 31, 2001	3.1.2, 3.2.2, 3.5.2, 3.6.2, 3.9.2, 4.2.2, 4.22, 7.2
June 3, 2002	July 3, 2002	3.9.2, 7.2
October 21, 2002	November 20, 2002	4.5.2.1, 4.5.2.1.a, 7.2
November 18, 2002	December 18, 2002	4.5.4.2, 4.5.4.3, 7.2
January 21, 2003	February 20, 2003	4.5.4.4, 4.8 (entire section)
April 7, 2003	May 7, 2003	3.3.3
June 2, 2003	July 2, 2003	6.2.2, 6.2.2.2

Town Council Adopted Amendment on:	Amendment Became Effective on:	Sections Amended:
July 14, 2003	August 13, 2003	4.17, 7.2
November 3, 2003	December 3, 2003	2.3.6, 2.3.7, 2.4, 4.5.5.2, 4.5.5.3
November 17, 2003	December 17, 2003	1.5.2.2.a, 4.1.3, 4.2.2, 4.3.4, 4.9.3.3, 4.9.4, 5.3.1.7, 6.3.5
June 21, 2004	July 21, 2004	3.7.6
October 12, 2004	November 11, 2004	4.5, 4.7, and 4.13
December 6, 2004	January 5, 2005	3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.12, 3.13, 3.14, 3.15, 7.2
February 7, 2005	March 9, 2005	4.1, 4.22, 7.2
March 21, 2005	April 20, 2005	3.4, 3.5, 3.6 3.7, 3.8, 3.9, 3.14, 4.1, 4.10
April 4, 2005	May 4, 2005	4.8.3.8, 4.8.10.1, 4.8.10.2, 4.8.10.3
December 5, 2005	January 4, 2006	3.8.2, 3.8.5, 3.8.6
January 19, 2006	February 18, 2006	3.6.4, 3.6.5.5
September 18, 2006	October 18, 2006	2.3.7, 4.5.5.1, 4.8.10.1, 5.3.1.3, 6.1.1, 6.1.2, 6.2.1, 6.2.1.1, 6.2.1.2, 6.2.1.3, 6.2.1.4, 6.2.2, 6.2.2.3, 6.2.2.4, 6.2.2.5, 6.3.1, 6.3.2, 6.3.4, 6.3.6, 6.3.7, 6.3.8, 6.3.9, 6.3.10
October 1, 2007	October 31, 2007	3.1.2
December 17, 2007	January 16, 2008	3.1.2, 3.1.3, 3.2.2, 3.2.3, 3.3.3, 3.4.3, 3.5.3, 3.6.3, 3.9.3, 3.12.2, 3.12.3, 4.1.9, 4.1.9.1, 4.1.9.2, 4.9, 4.9.1, 4.9.2, 4.9.3, 4.9.4, 4.9.5, 4.9.6, 4.9.7, 4.9.8, 4.9.9, 4.9.10, 4.23 (new), 7.2
August 11, 2008	September 10, 2008	3.8.4, 3.8.6.8
March 1, 2010	March 31, 2010	3.3.3, 3.3.5.2, 3.3.5.7, 5.3.1.8, 5.3.1.9, 7.2
March 1, 2010	March 31, 2010	3.11 and 4.14 Deleted
April 19, 2010	May 19, 2010	7.2
July 6, 2010	August 5, 2010	3.9.5.3
January 3, 2011	February 2, 2011	3.9.5.3, 4.19.2.3, 4.19.3.1, 4.19.3.2, 4.19.3.2, 4.19.3.3, 4.19.3.4, 4.19.3.5, 4.19.3.6, 4.19.3.7, 4.19.3.8, 4.19.4
February 7, 2011	March 9, 2011	3.1.3, 3.2.3, 3.3.3, 4.7.1.19, 4.7.1.20, 4.24, 7.2
March 7, 2011	April 6, 2011	3.1.3, 3.2.3, 3.3.3, 4.7.1.19, 4.7.1.20, 4.24, 7.2
August 15, 2011	September 14, 2011	7.2
November 14, 2011	December 14, 2011	3.3.3
January 17, 2012	February 16, 2012	3.6.2, 3.6.3
June 4, 2012	July 4, 2012	3.16
October 29, 2012	November 28, 2012	3.7.6.10, 3.8.6.9, 7.2
July 15, 2013	August 14, 2013	3.6.2
August 5, 2013	September 4, 2013	4.8.7.5.a, 4.8.7.5.d, 4.8.7.5.e, 4.8.7.7
August 5, 2013	September 4, 2013	3.8.4, 3.8.6.10
July 14, 2014	August 13, 2014	3.13.2, 3.13.3, 3.13.4*, 3.13.5.8
October 6, 2014	November 5, 2014	4.6.5
June 15, 2015	July 15, 2015	3.9.5.4, 3.2.5.3, 4.3, 3.13.4, 4.15
August 3, 2015	September 3, 2015	4.7
January 4, 2016	February 4, 2016	4.8
January 19, 2016	February 19, 2016	7.2
April 4, 2016	May 4, 2016	4.6
October 3, 2016	November 2, 2016	4.8.1.4, 5.3.1.1

Town Council Adopted Amendment on:	Amendment Became Effective on:	Sections Amended:
April 18, 2017	May 18, 2017	4.10, 3.4.2, 3.5.2, 3.6.2, 3.7.3, 3.8.3, 3.9.2, 3.13.2, 3.14.3, 4.1.9.1, 4.2.3.9, 4.8.1, 4.8.3.6, 4.8.3.7, 4.8.6, and 7.2
May 1, 2017	May 31, 2017	1, 4.7, 4.8, and 7.2
May 15, 2017	June 14, 2017	3.7.4, 3.7.6, 4.25, and 7.2
August 7, 2017	September 6, 2017	4.49.4.1, 5.3, and 7.2
November 20, 2017	December 20, 2017	7.2
June 18, 2018	July 18, 2018	This was a major reorganization and update of the entire Zoning Ordinance with amendments to many sections in Articles 2 through 7. Refer to the minutes of the Planning Board from December 2017 through May 2018, of the P&D Committee for June 6, 2018, and of the Town Council for June 18, 2018.
November 4, 2019	December 4, 2019	2.5, 3.1.3, 3.2.1.5, 3.4.1, 3.4.2.2, 4.1.5.2, 4.5.1, 4.5.5.4, 4.6, 4.7.1.1, 4.7.5.3.9, 4.25, 4.26 (added), 7.2
September 8, 2020	October 8, 2020	3.1.3, 3.4.2.2, 4.3, 4.7.5.7, 4.9, 4.24, 6.21, and 7.2
February 1, 2021	March 3, 2021	4.27 (added), 7.2
April 5, 2021	May 5, 2021	3.2.9 (added) Adult Day Services (D-3)
February 7, 2022	March 9, 2022	3.1.3, 4.11.3 (added)
November 14, 2022	December 14, 2022	3.2.4, 3.2.13, 3.1.4, 3.2.13. 3.2.14, 3.2.23 (removed), 3.2.24 (removed), 3.2.25 (removed), 3.2.26 (removed), 3.2.28, 3.2.31, 3.2.38, 3.4.1, 3.4.2.1, 3.4.2.8 (removed), 4.3 (removed), 4.4.1, 4.6 (removed), 4.7.1, 4.7.4 (removed), 4.7.5, 4.7.7 (removed), 4.9 (removed), 4.10.5.5 (removed), 4.10.6.6 (removed), 4.13, 4.16.2 (removed), 4.19.3.9 (removed), 4.24, 4.25, 7.2
September 18, 2023	October 18, 2023	3.1.4, 4.7.1.1 (removed), 4.7.1.2 (removed), 4.7.1.3 (removed), 7.2
October 16, 2023	November 16, 2023	3.2.11, 3.4.2.8.2, 7.2

March 4, 2024	April 4, 2024	7.2 Removed language on dimensional requirements under roads and streets, private roads (c). Standards are now embedded within Section 2.3.7 of the Subdivision Ordinance.
June 14, 2024	July 14, 2024	4.3 Alternate Frontage Lots, 4.75 Signs, 4.15 Swimming Pools, 4.27.14 Habitation of Recreational Shelters, 5.3.1 Building Permits, 5.3.2 Certificate of Occupancy and Certificate of Compliance, 7.2 Definitions
January 6, 2025	February 5, 2025	4.25.3.2, 4.25.3.2 (added), 4.25.3.5 (added), 4.28 (added), 5.4.1, 5.4.1.2, 6.2.1.1, 6.2.2.2, 7.2
March 17, 2025	April 16, 2025	2.2.2, 2.2.3, 3.1.3 repealed and replaced with new use table, 3.2 updated based on new use designations, 3.3.2, 3.3.3, 3.4.1 increased max. building height, 3.4.2.4, 3.4.2.10, 4.1.3, 4.3.3.5, 4.5.4.3, 4.10.4.7, 4.13, 4.24 removed medical marijuana from section, 4.25, 4.27 repealed section, 5.3.1.3 removed 14-day time limit, 7.2
May 5, 2025	June 4, 2025	Use Table (Multi-Family Development and J-Uses)