

Planning and Development Committee

April 3, 2013

6:00 PM

Council Chambers

AGENDA

1. Approval of March 20, 2013 Minutes
2. Committee Applications
3. Updates
 - A. Marina
 - B. Business Park RFP
4. Old Business
 - A. Bangor Hydro TIF Allocation Discussion
5. New Business:
6. Comprehensive Plan Implementation
 - A. Zoning Amendment Discussion
7. Citizens Initiatives:
8. Public Comments:
9. Committee Member Comments:
10. Adjourn

**Planning and Development Committee
March 6, 2013
6:00 PM
Council Chambers
MINUTES**

Attendees:	<u>Committee</u>	<u>Staff</u>
	Tom Brann Janet Hughes David Ryder William Shakespeare	Bob Osborne

1. **Approval of March 6, 2013 Minutes** – Approved as printed.
2. **Committee Applications** – There were no committee applications under review.
3. **Updates**
4. **Old Business**

A. Sign Ordinance

The committee had a free flowing discussion about the sign ordinance draft.

The committee discussed the rationale for sign size limitations within various corridors of Hampden. They discussed a spreadsheet document previously provided by staff that lays out the current dimensional regulations for signs in all of the town's zoning districts and also lays out potential sign dimensional standards based on a combination of speed limit and zoning district. Staff indicated that the alternative sign sizes are generally increased for two reasons. First, in order for signage to communicate effectively from the street the size of the lettering becomes a function of distance from which the sign can be read and the total time that the sign can be seen before it has been passed by. Second, it became evident that businesses (and others) needing moveable letter board signage as well as a standard freestanding sign are not provided with adequate total area to do both (the current freestanding sign size standards did not appear to contemplate that issue).

The committee discussed the concepts contained in a document that was previously provided by staff that contained a short list of requests from local businesses regarding sign regulations. They included: Greater flexibility on sign setbacks on older site developments in instances where strict adherence to the setbacks would render the freestanding sign ineffective or would block existing parking/maneuvering areas. Larger/taller shopping center signs in the Village Commercial Districts. Increase the allowable sign area for buildings with more than one tenant. Increase the allowable sign area for signs on corner lots where the sign can be seen from two or more streets. Increase the amount of signage allowable to better accommodate moveable signs or readerboard signs.

The committee agreed with the concept that speed limits play a part in sign sizes and lettering sizes as it relates to readability. They noted that currently in certain locations opposite sides of the street have different zoning districts with different sign standards and indicated that creates a fairness issue.

The committee agreed with the concept that moveable signs and readerboard signs should be better accommodated. They noted some reservations about electronic readerboard signs but conceded that they will become much more common in the future and that regulations should address them. They seemed to have the most reservations about full color readerboards that continually change.

The committee agreed in concept that freestanding signage plays a role in orderly traffic movements and should assist with informing the traveling public where the driveway entrance is located on the site development.

The committee expressed interest in utilizing the sign ordinance to require street addresses on the sign as a matter of public interest.

The committee noted that some signs do not do a good job of indicating what sort of business is at the location.

The committee expressed interest in creating a mechanism to accommodate businesses that have valid reasons to require alternative minimum setbacks on signs on existing site developments but not to the detriment of their neighbors. Perhaps the Planning Board could be utilized as a review panel to provide relief of the sign setbacks if specific review criteria were satisfied.

The committee discussed the request to increase the size of shopping center signs. They noted that if a shopping center sign has too much information on it the result will be ineffective. The committee seemed to agree that the primary purpose of both shopping center signs and subdivision signs should be to identify the plaza/street and that the identification of individual tenants was secondary.

The Town Planner suggested that there be a more distinct difference made in the ordinance between shopping centers where there is a common parking lot and a commercial/industrial subdivision sign where there are separate lots and perhaps many more businesses in total. He also noted that there is a pecking order in shopping centers where the major tenant gets more of the sign area than the minor tenant does and that reality should be included in the allowable size/height of shopping center signs.

The committee discussed the connection between property frontage and allowable sign area. They noted Bangor's sign ordinance allows additional signage on properties that have more than the minimum frontage of the district.

The committee discussed internal illumination of signs most particularly in areas that are mixed commercial and residential (that currently do not allow internal illumination). The committee suggested that technologies can limit the amount of light that leaves the sign by either constructing the sign from plexiglass with engraved lettering or to internally mask all but the lettering of the sign constructed of common translucent plastic.

5. New Business: - None.

6. Comprehensive Plan Implementation

A. Zoning Priorities Discussion

The committee discussed some zoning priorities.

The town has had requests to make adjustments to the Shoreland Zoning Ordinance Map to reflect the fact that MDEP no longer requires that areas around medium and high quality habitat wetlands be zoned Resource Protection. The town has had requests to amend the Shoreland Zoning Ordinance Map to make corrections where we have been provided with more accurate resource locations.

The town needs to be prepared to act swiftly to accommodate the reuse of the old Hampden Academy with alternative zoning designation that is acceptable to both the future owner and the community. The current zoning is Residential B District which may not accommodate many acceptable uses such as professional offices.

The town has had a request to rezone Old Coldbrook Road to allow the establishment of a single family residence. This could be accomplished as a text amendment to the Interchange District.

The town has had a request to consider the zoning of the area between the Masonic Temple and Reeds Brook to accommodate some more flexible commercial uses. The request came from Eric Dysart who has a self storage facility.

The town has had a request to consider rezoning the area near Frosts Garage for commercial in its entirety and more consistent with the Business B District found across the street. The Committee indicated that the area from the Catholic Church to the Frost property and across the street to the Gilpatrick Property should be considered as well.

Staff has noted that the non conformities section of the Zoning Ordinance is in need of clarification with regard to allowing single family homes to be rebuilt in place after being destroyed. The Code Officer gets this question with some regularity from insurance companies and the ordinance does not provide a clear answer. The committee noted that there are different ways a property can be destroyed such as neglect, fire, flood and functionally. Any amendment should address that as well.

Staff noted that the non conformities section of the Zoning Ordinance could be amended to provide a statute of limitations regarding de minimis violations of dimensional standards that turn up years after a building was permitted and a certificate of completion was issued. This is becoming more common in recent years because of financing requirements. The committee agreed that this was an issue worthy of review.

The committee suggested that staff including the Code Officer and Town Planner would be able to identify elements of the Zoning Ordinance that need adjustments based on regularity of the issues that may arise.

7. Citizens Initiatives: - none.

8. **Public Comments:** - none.
9. **Committee Member Comments:** - none.
10. **Adjourn**

The meeting was adjourned at 8:30 PM.



TO: Mayor Hughes and Hampden Town Council
FROM: Robert Osborne, Town Planner
SUBJECT: Draft Zoning Ordinance Text Amendment, Interchange District
DATE: April 1, 2013

The purpose of this amendment is to allow single family residence as a permitted use on Old Coldbrook Road. Currently there appears to be only single family residential uses active on Old Coldbrook Road. This stems from a request by Linda Avril to reuse their former beauty shop as a single family residence.

TOWN OF HAMPDEN
Draft

The Town of Hampden Hereby Ordains
Proposed Amendments to the Zoning Ordinance

Deletions are ~~Strikethrough~~ Additions Double Underlined

3.6. Interchange District

3.6.1. Purpose - This district is intended to provide areas for motels, restaurants, service stations and 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 accessory structures may be added, provided minimum setback requirements are met.

3.6.2. Permitted Uses (Subject to Site Plan Review) – Any retail or service business, hotel, motel, take-out restaurant, small restaurant, sit-down restaurant, automobile and truck service station and repair facility, gift shop, truck terminal, business or professional office, indoor recreation, single family dwelling on Old Coldbrook Road, home occupation (subject to *Article 4.10*), accessory uses or structures, essential services, and wireless telecommunications facilities (subject to *Article 4.22*). (*Amended: 03-08-99, 05-21-01, 10-01-01, 12-6-04, 03-21-05, 1-17-12*).

3.6.3. Conditional Uses (Subject to Site Plan Review) - Fast-food restaurant, outdoor dining restaurant, tavern, bar, dance hall, outdoor recreation, stockpiles (subject to *Article 4.9*) not accessory to excavation, gravel pit and quarry activities and buildings necessary for essential services. Any establishment which provides in excess of 5,000 square feet of outdoor display or storage of goods or equipment (*Amended: 05-21-01, 12-6-04, 12-17-07, 1-17-12*)

3.6.4. Lot Dimensions

Minimum Area	-	1 acre
Minimum Road Frontage	-	200 feet
Minimum Setbacks:		
Street Yard	-	30 feet
Side Yard	-	20 feet
Rear Yard	-	20 feet
Maximum Ground Coverage	-	25 percent
Maximum Building Height	-	50 feet

(*Amended: 01-19-06*)

3.6.5. Special District Regulations

1. Fast-food restaurant use shall be located on a lot having a minimum lot size of 1.5 acres, minimum frontage of 200 feet and no part of the vehicle queue shall be located within 100 feet of a residential structure. (*Amended: 12-6-04*)
2. Sale or consumption of alcoholic beverages is prohibited for outdoor dining restaurant uses in conjunction with take-out restaurants and fast-food restaurants. (*Amended: 12-6-04*)
3. Outdoor dining areas proposed for outdoor dining restaurant uses shall be clearly delineated on a site plan including barriers required under M.R.S.A. *Title 28-A*. Outdoor dining restaurant uses

proposing outdoor consumption of alcoholic beverages shall comply with M.R.S.A. *Title 28-A: LIQUORS §1051. Licenses generally* which requires that outside areas be controlled by barriers and by signs prohibiting consumption beyond the barriers. *(Amended: 12-6-04)*

4. No bar or dance hall shall be located within 500 feet of a residence. *(Amended: 12-6-04)*
5. Buildings in excess of 35 feet in height shall provide additional setbacks on all yards as herein stipulated: Subtract 35 feet from the proposed building height and add that difference to each yard setback requirement. *(Amended: 01-19-06)*

EXAMPLE: A 48 foot tall building is proposed. By subtracting the base Interchange District maximum building height from the proposed height the following is the result $48' - 35' = 13'$. Then add that amount to each yard or setback.

Setback Type		Base Setbacks:	Total Setback
Street Yard	-	30 feet	43 feet
Side Yard	-	20 feet	33 feet
Rear Yard	-	20 feet	33 feet

(Amended: 01-19-06)