

Planning and Development Committee
November 19, 2014
6:00 PM
Conference Room
AGENDA

1. Approval of October 15, 2014 Minutes:
2. Committee Applications:
3. Updates:
 - A. Triangle Project
4. Old Business:
 - A. Code Enforcement Officer: Myles Block
Identified Zoning Issues
 - A. Draft Subdivision Ordinance Amendments Discussion
Sections: 350.8 - 350.10
5. New Business:
 - A
6. Comprehensive Plan Implementation:
7. Citizens Initiatives:
8. Public Comments:
9. Committee Member Comments:
10. Adjourn

Planning and Development Committee

October 15, 2014

6:00 PM

Conference Room

DRAFT MINUTES

Attendees:

Committee

Ivan McPike

Bill Shakespeare

Tom Brann

David Ryder

Greg Sirois

Carol Duprey

Staff

Bob Osborne, Staff

Dean Bennett, Staff

1. Approval of October 1st Minutes: Approved

2. Committee Applications – None

3. Updates:

4. Old Business:

A. Draft Subdivision Ordinance Amendments Discussion
Sections: 350.8 – 350.10

Committee reviewed the Subdivision Ordinance and noted a number of potential changes/amendments to the document. Committee will continue their review at next meeting. (Sections 350.8 – 350.10)

B. Environmental Mitigation Guidelines – Tom Russell

Attorney Russell presented the drafted Mitigation Guidelines explaining their intent, content and flexibility.

Committee Action: To establish within the Guidelines a minimum increased taxable value of \$ 500,000.00 in order to be eligible for consideration for a conservation easement to serve mitigation requirements. (Motion: 6-0)

Talking Points for Council P&D Committee

1. Business B Zone
 - a. The Code Enforcement Officer recommends these changes to better reflect the Town's commitment to businesses to make Hampden a Business Friendly Community. Currently the Business B Zone is comprised of numerous lots that would not meet the current criteria and not allow businesses to be placed on these lots that would be able to function or have a conforming look to the surrounding buildings. There are already commercial buildings on lots in this zone with smaller than 30' other yard setbacks. The setback requirements for new business buildings are too restrictive to make it practical to use one of the small lots in this zone for business. The current language allows for smaller setbacks for residential uses which does not make since in a Business Zone. All buildings in this zone should be under the same requirements. In the case that a business wants to create a building next to a residential zone the buffer requirement will stay the same.
2. Adoption of NFPA 1 – 2006 as Fire Prevention Code
 - a. Places the current State Adopted Fire Prevention Code as the Town Adopted Code.
3. Adoption of NFPA 101 – 2009 as Life Safety Code
 - a. Places the current State Adopted Life Safety Code as the Town Adopted Code.
4. Adoption of Residential Building Code
 - a. Adopts MUBEC by reference for the Town and also does not allow 3rd Party Inspections for one- or two-family dwellings or townhouse.
5. Adoption of Building Code
 - a. Adopts MUBEC by reference for the Town and places the requirement for Knox Boxes for all buildings except for one- or two-family dwellings and townhouses.
6. Pool Fence Addition to Zoning
 - a. Current description of fence is not specific. Adopts parts of IRC 2009 App. G for the specifications for Barrier Requirements for Pools and Spas.
7. Changes in Sign Ordinance
 - a. Allows illuminated signs in all districts except Res A and B.
 - b. Adds language regarding Changeable signs and places restrictions as allowed by state statute.
 - c. Takes Political signs out of Temporary Events signs and adds its own section.
 - i. Adopts state standard for political signs
 - d. Makes language agree throughout the section
 - e. CEO recommends that a separate sign ordinance be made from the these changes with the committee's input on how the town should treat signs and what exactly the current mindset is for these different zones.

3.13. Business B District

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3.13.1. Purpose - 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.

3.13.2. Permitted Uses (Subject to Site Plan Review) - Business and professional offices, retail and service businesses, take-out restaurant, small restaurant, single family dwelling, home occupation (subject to Article 4.10), accessory uses or structures and essential service. (Amended: 12-6-04, 07-14-14)

3.13.3. Conditional Uses (Subject to Site Plan Review) - Sit-down restaurant, fast-food restaurant, outdoor dining restaurant, tavern, drive-thru business, automobile and truck sales and service, church, mixed residential/commercial uses, limited to a maximum of four (4) dwelling units, day care facilities and child care center (subject to Article 4.19), preschool, commercial school, place of assembly, nursing home, funeral home, community building, community facility, hotel and motel, buildings over 35 feet in height and buildings for essential services. (Amended: 12-6-04, 07-14-14)

3.13.4. Lot Dimensions

Minimum Lot Area - 1 acre

Minimum Road Frontage - ~~125~~ 100 feet

Minimum Setbacks:

Street Yard - ~~35~~ 30 feet

Other Yards - ~~30~~ 15 feet

Maximum Lot Cover - 20 percent

Maximum Building Height - 35 feet

*Any lawfully existing lot of record situated in a Business B District containing road frontage of ~~100' or less~~ less than 100' as of June 1, 2014 served by public sewer with existing ~~single family dwellings and accessory structures with minimum street yard and other yards of not less than 10 feet each~~ structures may use an other yard setback of 10'. Any such lots ~~containing between 100' and 124' of road frontage may be developed for single family dwellings and accessory structures with minimum street and other yards of 10 feet each, plus 0.5 feet per side yard for each foot of road frontage in excess of 100'~~. (Amended: 07-14-14)

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3.13.5. Special District Regulations

1. Along any boundary line adjacent to a residential district a Class III landscaped buffer strip shall be provided.
2. Shopping centers shall provide accommodations for pedestrians, bicyclists, handicap accessibility and public transportation. (Adopted: 11-8-83) (Amended: 8-8-94)
3. Buildings with the exception of one and two unit dwellings constructed, reconstructed, moved or structurally altered, shall comply with the following standards:
 - a. Buildings shall have a pitched roof with a minimum pitch of six (6) in twelve (12), or have a roof form and pitch consistent with adjacent structures within 300 feet or if in the development of structures in excess of 10,000 square feet, has an appearance similar to that of a pitched roof.
 - b. Buildings shall have exterior siding that is compatible with those of the adjacent buildings, such as brick or masonry veneers, wood siding, wood shingles, aluminum or vinyl siding simulating a clapboard pattern, or hardboard siding. Inconsistent architectural elements created by illumination, form or color shall be discouraged are not permitted.
 - c. Buildings in excess of 10,000 square feet shall treat the predominately visible street facade(s) within the guidelines of the above materials to provide a consistent architectural appearance.
4. In order to evaluate consistency with Special District Regulation 3, the site plan submission shall include elevation drawings with details and color renderings or computer drawings as to how the above standards are met. (Amended: 07-19-00)
5. Fast-food restaurant use shall be located on a lot having a minimum lot size of 1.5 acres, minimum frontage of 200 and no part of the vehicle queue shall be located within 100 feet of a residential structure. (Amended: 12-6-04)
6. 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)
7. 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)

8. Notwithstanding the maximum building height regulation herein building height may be up to 60 feet maximum height under the following condition: 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 base yard setback requirement. (Amended: 07-14-14)

EXAMPLE: A 60 foot tall building is proposed. By subtracting the base district building height from the proposed height the following is the result $60 - 35 = 25$ which is added to the minimum yard requirement.

Minimum Setbacks:	Modified Setback
Street Yard - 35 <u>30</u> feet	60 <u>55</u> feet
Other Yard - 30 <u>15</u> feet	55 <u>40</u> feet

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ADOPTION OF NFPA 1 FIRE CODE BY REFERENCE as FIRE PREVENTION CODE

- A. That a certain document marked and designated as the Fire Code 1-2006 Edition as published by the National Fire Protection Association, as adopted and amended by the State of Maine, be and is hereby adopted as the Fire Code of the Town of Hampden. {25 M.R.S.A § 2361; 25 M.R.S.A § 2452; 25 M.R.S.A § 2465; 25 M.R.S.A § 8001 through 11008}

ADOPTION OF NFPA LIFE SAFETY 101 BY REFERENCE

- A. That a certain document marked and designated as the Life Safety Code 101 - 2009 Edition including Appendices A and B as published by the National Fire Protection Association, as adopted and amended by the State of Maine and amended by section 1205.B, be and is hereby adopted as the Life Safety Code of the Town of Hampden for control of buildings and structures as herein provided. {25 M.R.S.A § 2361; 25 M.R.S.A § 2452; 25 M.R.S.A § 2465; 25 M.R.S.A § 8001 through 11008}
- B. The Life Safety Code adopted shall be additionally modified with the following:
- a. Provisions of the Life Safety Code shall not apply to one- and two-family dwellings existing prior to the adoption of this section, unless the dwellings are being used for a purpose which requires a State of Maine license
 - b. Provisions of the Life Safety Code requiring the adoption of NFPA 13R: STANDARD FOR THE INSTALLATION OF SPRINKLER SYSTEMS IN LOW-RISE RESIDENTIAL OCCUPANCIES is not adopted.

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TOWN OF HAMPDEN, MAINE

RESIDENTIAL BUILDING CODE ORDINANCE

Building Code Adopted

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Adoption of standards by reference.

In accordance with 30-A M.R.S.A. § 3003, as the same may be amended from time to time, the Maine Uniform Building and Energy Code (M.U.B.E.C.) is hereby adopted and incorporated by reference as the minimum standard for the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of one- and two-family dwellings and townhouses and their service equipment, both existing and proposed, located within the Town of Hampden, Maine. The Code Enforcement Officer and/or the Building/Fire Inspector of the Town of Hampden, Maine shall serve as the building official as defined in 25 M.R.S.A. § 2371 and shall be responsible for issuing building permits and certificates of occupancy. The Code Enforcement Officer and/or the Building/Fire Inspector shall be responsible for inspecting all permitted construction for compliance with all components of M.U.B.E.C; as such components may be revised from time to time by the Technical Building Codes and Standards Board. Third Party Inspections for M.U.B.E.C. compliance are not permitted for one- and two-family dwellings or townhouses in the Town of Hampden. Administration and enforcement of M.U.B.E.C., including permits, fees, violations, penalties and appeals, shall be in accordance with Article 5 of the Town of Hampden, Maine Zoning Ordinance and the Town of Hampden, Maine Fees Ordinance.

Climatic and Geographic Design Criteria

Ground Snow Load= 70 lb/ft²

Wind Design

Speed= 90mph

Topographical effects= No

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Seismic Design Category= B

Subject to Damage From

Weathering= Severe

Frost line depth= 5ft

Termite= None to Slight

Winter Design Temp= -5°F

Ice Barrier Underlayment Required= Yes

Flood Hazards= 9/4/1987

Air Freezing Index= 1750

Mean Annual Temp.= 45°F

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KNOX BOX PROGRAM

The Knox Box Program for the Town of Hampden shall be used for access to buildings for emergency purposes only. The Public Safety Director or designee shall serve as the administrator for the Knox Box Program, as defined by the Knox Company. The number, make, model and location of the box(s) shall be determined by the Public Safety Director or his designee. All keys required to operate the building's life safety signaling and fire suppression systems, electrical rooms and panels, and a master building key shall be placed with in the Knox Box. All new buildings constructed or additions to current buildings performed after the adoption of this ordinance shall conform to this provision, one- and two-family dwellings and townhouses are excluded from this requirement.

OTHER CODES ADOPTED IN CONJUNCTION WITH THE BUILDING CODE STANDARDS FOR THE TOWN OF HAMPDEN

The following codes, standards, rules and their amendments as adopted and revised by the State of Maine, listed in this section, are hereby incorporated by reference.

- a. State of Maine International Plumbing Rules based on the 2009 Uniform Plumbing Code.
- b. State of Maine Subsurface Waste Water Rules 2011 version dated January 18, 2011.
- c. 2014 NFPA 70 (National Electric Code NEC 2014)
- d. 2009 NFPA 101 (National Fire Protection Association Life Safety)
- e. 2006 NFPA 211 (National Fire Protection Association Standard for Chimneys, Fireplaces, and Solid Fuel Burning Appliances)
- f. 2008 NFPA 96 (National Fire Protection Association Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations)

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4.15. Water Recreation and Sewage Lagoons - Any swimming pool, as defined, and any sewage lagoon shall comply with the following requirements:

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4.15.1. The facility shall conform with setback requirements.

4.15.2. The facility shall be enclosed by a fence no less than four (4) feet high to prevent uncontrolled access. (Amended: 3-16-87) **DEFINITIONS:**

- a. **ABOVE-GROUND/ON-GROUND POOL.** See "Swimming pool."
- b. **BARRIER.** A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.
- c. **HOT TUB.** See "Swimming pool."
- d. **IN-GROUND POOL.** See "Swimming pool."
- e. **RESIDENTIAL.** That 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.
- f. **SPA, NONPORTABLE.** See "Swimming pool."
- g. **SPA, PORTABLE.** A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating *equipment* are an integral part of the product.
- h. **SWIMMING POOL.** Any structure intended for swimming or recreational bathing that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.
- i. **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.
- j. **SWIMMING POOL, OUTDOOR.** Any swimming pool which is not an indoor pool.

4.15.3. BARRIER REQUIREMENTS

- a. **Application.** The provisions of this section shall control the design of barriers for residential swimming pools, spas hot tubs, and sewage lagoons. These design controls are intended to provide protection against potential drownings and near-drownings by restricting access to swimming pools, spas and hot tubs.
- b. **Outdoor swimming pool.** An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:
 - i. The top of the barrier shall be at least 48 inches (1219 mm) above *grade* measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

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- ii. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.
- iii. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.
- iv. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 13/4 inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 13/4 inches (44 mm) in width.
- v. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 13/4 inches (44 mm) in width.
- vi. Maximum mesh size for chain link fences shall be a 2 1/4-inch (57 mm) square unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than 13/4 inches (44 mm).
- vii. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than 13/4 inches (44 mm).
- viii. Access gates shall comply with the requirements of Section 4.15.3.b, Items i through vii, and shall be equipped to accommodate a locking device. Pedestrian access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism and openings shall comply with the following:
 - 1. The release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate; and
 - 2. The gate and barrier shall have no opening larger than 1/2 inch (12.7 mm) within 18 inches (457mm) of the release mechanism.
- ix. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:
 - 1. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346; or
 - 2. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed and labeled in accordance with UL 2017. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or

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3. Other means of protection, such as self-closing doors with self-latching devices, which are *approved* by the Code Enforcement Officer or Fire/Building Inspector, shall be acceptable as long as the degree of protection afforded is not less than the protection afforded by Item 4.15.3.b.ix.1 or 4.15.3.b.ix.2 described above.
- x. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:
 1. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or
 2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section 4.15.3.b, Items i through ix. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.
- c. **Indoor swimming pool.** Walls surrounding an indoor swimming pool shall comply with Section 4.15.3.b, Item ix.
- d. **Prohibited locations.** Barriers shall be located to prohibit permanent structures, *equipment* or similar objects from being used to climb them.
- a.e. **Barrier exceptions.** Spas or hot tubs with a safety cover which complies with ASTM F 1346.

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4.8. Signs. Signs provide vital information to the public, assist in the response and rescue of public safety and engender a sense of place. The following provisions shall apply to signs and billboards in all districts where permitted. *Amended 01/21/03*

4.8.1. 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 home occupations are prohibited. Authorization for official business directional signs shall be obtained from the Code Official. *Amended 01/21/03*

1. *Exception for property identification numbers* - Each residential premises is allowed a mailbox with the identification number of the property clearly marked on it. If the mail box is on the opposite side of the street of the house or if there is no mailbox, the premises is also allowed an MDOT approved sign post, or similar structure, with numbers that meet the standards of subparagraph a below. Such signs are also allowed on an adjacent parcel with written permission of the landowner. *Amended 01/21/03*
 - a. All non residential uses must display the identification number of the property. The area required by the number is not included in the calculation of the total square footage of the sign. *Amended 01/21/03*
 - b. Approved address numbers shall be placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm). *Amended 01/21/03*
2. *Exception for industrial subdivision entrance sign* - In Planning Board approved Industrial Subdivisions a sign marking each public street entrance shall be permitted. Such signs shall be limited to 70 square feet per face and shall only contain the name of the subdivision, the name of the public subdivision's street, and owner identification

information. The sign may be located in the raised median of the entrance street provided that it is at least 20 feet from the nearest perpendicular traveled way and the sign itself creates no visual barrier from the ground up to a height of 6 feet. *Amended 01/21/03*

3. *Exception for industrial subdivision directory sign* - In Planning Board approved Industrial Subdivisions a directory sign marking tenants in the subdivision located near each public street entrance shall be permitted. Such signs shall: be unlighted, be limited to 50 square feet per face, not exceed five feet in height, and shall only contain the name of subdivision, information about the subdivision's management, and the name and address of each subdivision's tenant. The sign may be located in the public right of way provided that it is at least 100 feet from the entrance and does not create a visual barrier to individual lot entrances. *Amended 01/21/03*

4.8.2. On-Premises Signs - All on-premises signs shall be located and erected in conformity with State Law (23 MRSA sections 1901-1925). In addition the following regulations apply:

1. *Visual obstruction* - No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination, or wording, the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign, or device or otherwise constitute a hazard to pedestrian or vehicular traffic.

1.2. *Sign Illumination*: Sign illumination is permitted in all districts except Residential A & Residential B, as long it conforms to 4.8.2.1.

2.3. *Visual distraction* - Flashing, moving, or animated signs are prohibited.

3.4. *Height limit* - No sign shall exceed twenty-five (25') feet in height.

4.5. *Size limit* - No sign shall exceed the maximum sign size for the district in which the sign is placed. Freestanding signs are sized of the basis of one sign face. Except that signs located on-premises but greater than fifty (50') feet from a building and visible from Interstate 95 shall be limited to one sign and shall not exceed one hundred fifty (150) square feet in area or the maximum sign size allowed in the district, whichever is less. Such signs, visible from Interstate 95, shall have no panel dimension greater than twenty (20') feet. *Amended 01/21/03*

~~5.6.~~ *Neighborhood nuisance* - No sign shall be erected which may cause nuisance or undue distraction to nearby residents or occupants.

~~6.7.~~ *Setbacks* - Signs shall be set back at least eight (8') feet from the street line and other lot lines, except signs on properties adjacent to Residential A, B, or Rural District boundaries. In that case, signs shall be set back from the side lot line at least the distance of the minimum required side yard depth for the district to which they are adjacent and shall be set back from the street line at least eight (8') feet.

8. *Roof signs* - Roof signs shall not extend more than ten (10') feet above the roofline.

9. *Changeable Signs – Are Permitted in all districts except Residential A & Residential B.*

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” mean 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.

e. “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.

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

i. May be changed no more than once every 2 minutes;

ii. Must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing, display continuous streaming of information, video animation or blending;

iii. May consist of alphabetic or numeric text on a plain or colored background and may include graphic, pictorial or photographic.

4.8.3. Permitted Signs Not Requiring a Permit – The following signs shall be permitted in all districts without a permit: *Amended 01/21/03*

1. *Real estate signs* - The following signs relating to the sale, rental or lease of a premises may be displayed on the premises of a premises which is available for sale, rent or lease.
 - a. A single freestanding sign, not over five (5) square feet in area. *Amended 01/21/03*
 - b. A single wall sign not over three (3) square feet in area.

All such signs shall be removed when PURPOSE IS FULFILLED.

2. *Posting signs* - Signs relating to trespassing and hunting.
3. *Residential identification signs* - A single sign denoting the name and/or address of the occupants of residential premises, such sign shall not exceed four (4) square feet in area.
 - a. Or one sign naming the premises where located. Such sign shall not exceed six (6) square feet if it is a wall sign, or four (4) square feet if it is a freestanding sign. (Examples: Twin Oaks, Fox Fire, Kinsley House, etc.). *Amended 01/21/03*
4. *Tradesman signs* - A single sign, placed on the premises where construction, repair, or renovation is in progress, which denotes the architect, engineer, contractor, and/or funding source for the work in progress. Such sign shall not exceed sixteen (16) sq.ft. in area and shall be removed when the work is completed. Federal and state government-mandated signs are exempt.
5. *Traffic signs* - Signs providing traffic and directional information to the public.
6. *Home occupation sign* - In place of the sign allowed in *Article 4.8.3.3.* above, approved home occupations may display a single sign, not over four (4) sq.ft. in area, relating to the home occupation.
7. *For sale signs* - In addition to the sign allowed in *Article 4.8.3.3.* above, residential users may display a single temporary sign, not over four (4) sq.ft. in area, relating to goods or services for sale on the premises, if such sale does not constitute either a business, a home occupation, or a yard sale. Examples of sales falling under this provision are the sale of a used vehicle, the sale of a used appliance, or other occasional sales.
8. *Temporary event signs* - Temporary signs announcing public and semi-public occasional events, ~~political campaigns, candidates,~~ etc. Such signs shall be displayed not more than

two (2) weeks before the event and shall be removed within one (1) week after the event. Signs established more than two weeks prior to the announced event shall be deemed unlawful and are subject to removal under *Article 4.8.10.2. (Amended 04-04-05)*

9. Political Signs – Political signs may be placed per 23 MRSA §1913-A and Maine DOT Department Regulations as follows:

- a. May be erected on private property outside the Right of Way limits of public ways at anytime prior to and election, primary or referendum, limited in size to a maximum of 50 square feet;
- b. May be erected within the Right of Way limits of public ways no sooner than six (6) weeks prior to an election, primary or referendum and must be removed no later than one (1) week following that date of the election, primary or referendum;
- c. **Prohibited practices:** political posters and signs shall not be erected or maintained on any traffic control signs or devices, public utility poles or fixtures, upon any trees or painted or drawn upon rocks or other natural features;
- d. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an **imitation of or resembles an official traffic-control device**, such as a stop sign;
- e. Political signs may be displayed to view to all public ways **except** for the Interstate Highway System. Title 23 MRSA §1913-A, paragraph 3 (regulations) and paragraph 6 (interstate system) states that: **Signs may not be placed within the limits of any controlled access highway nor erected within 660 ft. of the nearest edge of the Interstate Highway System in such a manner that the message maybe read from the Interstate Highway.** All signs located at the interstate interchanges are in violation.

- i. Maine DOT considers US Hwy 202 from I-395 to Western Avenue a controlled access highway.

4.8.4. Permitted Signs With a Permit - The following signs shall be permitted in all districts with a permit: *Amended 01/21/03*

1. *Housing project sign* - A single sign not over thirty-two (32) sq.ft. describing a multi-family housing project or a subdivision. *Amended 01/21/03*

2. *Subdivision sign* - A single sign not over thirty-two (32) sq.ft. describing a subdivision.

Amended 01/21/03

3. *Non-residential principal building or use sign* - A single sign not over sixteen (16) sq. ft. describing a non-residential principal building or use on the premises. *Amended 01/21/03*

4.8.5. Signs in the Rural District - In the Rural District the following signs shall be considered accessory to the principal use of the premises on which they are located: *Amended 01/21/03*

1. *Farm product signs* - A maximum of two (2) signs describing farm products raised or produced on the premises. The maximum sign size shall not exceed sixteen (16) sq.ft.

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

1. *Housing project or subdivision sign* - A maximum of two (2) signs whose combined area shall not exceed thirty-two (32) square feet, describing a multi-family housing project or a subdivision on the premises.
2. *Non-residential sign* - A maximum of two (2) signs whose combined area shall not exceed sixteen (16) square feet, describing a non-residential principal building of less than 5,000 square feet gross floor area or use on the premises. *Amended 01/21/03*
3. *Non-residential sign for larger site developments* - A maximum of one sign located at each street entrance whose area shall not exceed sixteen (16) square feet and describing a non-residential principal building or buildings in excess of 5,000 square feet gross floor area or use. Additional signage shall be permitted on the interior of such site developments provided that each individual sign has a maximum size of sixteen (16) square feet and is set back a minimum of 30 feet from all property lines. *Amended 01/21/03*
4. *Prohibited signs* - Notwithstanding the provisions of this section roof signs and internally illuminated signs are prohibited in the residential districts. *Amended 01/21/03*
5. *Scoreboards* - Notwithstanding the provisions of this section scoreboards are permitted in the residential districts and are not subject to the preceding regulations including size. The content of a scoreboard shall be generally limited to the score, period, time, and other information pertinent to the sporting activity, the name of the school and team.

Scoreboards may contain limited product advertising provided it is not back-lighted and is limited to 10 sq. ft. *Amended 01/21/03*

4.8.7. Signs in the Commercial Districts Amended 01/21/03

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

Amended 01/21/03

- a. One (1) freestanding sign, not to exceed thirty-six (36) square feet. *Amended 01/21/03*
- b. Wall signs not to exceed one and one-half (1-1/2) square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed one hundred fifty (150) square feet.
- c. One (1) projecting or roof sign not to exceed thirty-six (36) square feet in area.

Amended 01/21/03

2. *Signs in the Business B District* - Two (2) of the following sign options identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Business B District provided total signage does not exceed 250 square feet in area. *Amended 01/21/03*

- a. One (1) freestanding sign, not to exceed fifty (50) square feet in area. *Amended 01/21/03*
- b. Wall signs not to exceed two square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed two hundred (200) square feet.
- c. Projecting signs not to exceed (25) square feet in area.

3. *Signs in the Commercial Service District* - The following signs, identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Commercial Service District: *Amended 01/21/03*

- a. One (1) freestanding sign, not to exceed thirty-six (36) square feet. *Amended 01/21/03*

- b. Wall signs not to exceed two (2) square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed two hundred (200) square feet.
 - c. One (1) projecting, or roof sign not to exceed seventy-two (72) square feet in area.
Amended 01/21/03
 - d. Industrial Parks, as defined, may erect one industrial park sign per entrance. Such sign shall not exceed fifty (50) square feet.
4. *Signs in the Interchange District* - The following signs, identifying on-premises business names, uses or goods sold or services rendered, shall be allowed for uses in the interchange District: *Amended 01/21/03*
- a. One (1) freestanding, projecting, or roof sign not to exceed one hundred fifty (150) square feet in area. *Amended 01/21/03*
 - b. Wall signs not to exceed four (4) square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed four hundred (400) square feet.
 - c. Industrial parks, as defined, may erect one (1) industrial park sign per entrance. Such sign shall not exceed fifty (50) square feet.
5. *Signs in the Village Commercial and Village Commercial II Districts* - Two (2) of the following sign options identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Village Commercial Districts provided total signage does not exceed 30 square feet in area. *Amended 01/21/03*
- a. One (1) freestanding sign not to exceed twenty-four (24) square feet in area and fifteen (15') feet in height. *Amended 01/21/03, 08/05/13*
 - b. Wall signs not to exceed twelve (12) square feet in area.
 - c. Projecting signs not to exceed (12) square feet in area.
 - d. *Prohibited signs* - No roof signs shall be permitted in the Village Commercial District. *Amended 08/05/13*
 - e. *Shopping center signs* - Shopping Center Signs shall be allowed in conformance with *Article 4.8.7.7*, provided the sign does not exceeds twenty (20') feet in height. *Amended 08/05/13*

6. *Fuel sales* - In addition to signs allowed under *Article 4.8.7* of the Ordinance, uses selling gasoline or diesel fuel may display one sign not to exceed sixteen (16) square feet in area, advertising the price of said gasoline or diesel fuel.
7. *Signs in shopping centers* – In lieu of signs allowed under *Article 4.8.7* of the Ordinance, Shopping centers, as defined, each tenant within the shopping center may have a projecting or roof sign (where permitted) not to exceed thirty-six (36) square feet. Additionally each tenant within the shopping center shall be allowed wall signs not to exceed thirty (30) square feet. Notwithstanding the foregoing limitation on wall signage the wall signs may be increased to fifty (50) sq. ft. if both the exterior wall of the tenant space is 50 feet or more from the street frontage and if that tenant has a floor area of at least 10,000 sq. ft. Shopping centers shall not have individual freestanding signs for each tenant, but instead shall have one common freestanding sign identifying the shopping center and the tenants therein. The overall size of the freestanding shopping center sign shall not exceed sixty (60) sq. ft. The shopping center freestanding sign may include a place name for the shopping center located at the top of the sign not to exceed twelve (12) sq. ft. in area and shall include tenant identification not to exceed forty-eight (48) sq. ft. in area. No one tenant's sign content shall exceed twenty-four (24) sq. ft. of the shopping center sign's area and shall not be less than six (6) sq. ft. unless the space demands on the sign requires it. The tenant area of the shopping center sign may either be utilized by identifying the name of the tenant's premises (such as Smith's Pet Shop) or by categorically identifying what the tenant's use is (such as bakery or florist). Additional signage shall be permitted on the interior of such shopping centers to provide building identification and serve onsite pedestrian and vehicular movements provided that each individual sign has a maximum size of sixteen (16) square feet and is set back a minimum of 20 feet from all property lines. (Amended 08/05/13)

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

1. One freestanding, projecting or roof sign not to exceed one hundred (100) square feet in area; Amended 01/21/03

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

4.8.9. Maintenance of Signs - All signs shall be properly maintained and kept. Any sign which advertises a business, product, activity, or campaign which is no longer operative or extant shall be removed by the owner, agent, or person having the beneficial use of the structure or lot upon which such sign may be found, within ten (10) days after written notification from the town manager or Code Official. Upon failure to comply with such notice, the Code Official or Town Manager is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or lot to which the sign is attached. Amended 01/21/03

4.8.10. Removal of Unlawful Signs (Amended 01/21/03)

4.8.10.1. Removal of Unlawful On-premise Signs. .(Amended 04-04-05)

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 Official. If the identity of such owner is not known or reasonably ascertainable by the Code Official, such notice may instead be sent to the owner of the land on which the sign is placed. All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of.
2. Code Official to remove sign - If the owner fails to remove the sign as required, the Code Official shall remove the sign at the expense of the owner without any further notice or proceeding and may recover the expense of this removal from the owner.
3. Procedure for notice, hearing, appeal. The procedure for notice, hearing and appeal is as follows.

- a. The Code Official 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 Article 4.8.10.4.B. If the identity of such owner is not known or reasonably ascertainable by the Code Official, 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.
(Amended: 09-18-06)

4.8.10.2. Removal of Unlawful Off-premise Signs. (Amended 04-04-05)

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

4.8.10.3. Removal of signs from Right of Ways. Notwithstanding the notice to remove provisions of this Article the Code Enforcement Officer~~Official~~, 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 sent

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by certified mail, return receipt requested, by the Code Official. All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of. (Amended 04-04-05)

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