

TOWN OF FARMINGTON

Zoning Ordinance

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CERTIFIED BY: _____

Town Clerk
Title

Affix Seal

**Town of Farmington
Chapter 11 – Land Use
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Article 8 – Zoning

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11- 8.1 Title:

This Ordinance shall be known and cited as the Town of Farmington Zoning Ordinance and will be referred to herein as “this Ordinance”.

11- 8.2 Authority and Administration:

This Ordinance is adopted pursuant to the enabling of Article VIII, Part 2, Section 1, of the Maine Constitution and the provisions of 30-A M.R.S. §3001 et. seq. (Home Rule) and §4312 et. seq. (Planning and Land Use).

This Ordinance is pursuant to and consistent with the Comprehensive Plan adopted by the Town of Farmington.

A zoning map indicating each established zone is incorporated in this Ordinance.

The Planning Board of the Town of Farmington, herein after called “the Board”, shall administer this Ordinance.

11- 8.3 Purposes:

The purposes of this Ordinance are:

1. To implement the provisions of the Town's Comprehensive Plan;
2. To promote the health, safety and general welfare of the residents of the Town;
3. To encourage the most appropriate use of land throughout the Town;
4. To promote traffic safety;
5. To provide safety from fire and other elements;
6. To provide an allotment of land area in new developments sufficient for adequate enjoyment of community life; and
7. To conserve natural resources.

11- 8.4 Applicability:

The provisions of this Ordinance shall govern all use of land, buildings, or structures, and all construction of buildings or structures including the erection, relocation, modification, alteration, or expansion of such within the Town of Farmington. In addition, land, building, structures, and uses located within Shoreland areas as defined in 38 M.R.S. §435 are subject to the Town of Farmington Shoreland Zoning Ordinance.

11- 8.5 Conflicts with Other Ordinances:

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall apply.

11- 8.6 Effective Date:

The effective date of this Ordinance shall be the date this Ordinance was originally adopted by the voters at Town Meeting, and is subsequently amended by the voters at Town Meeting.

11- 8.7 Validity and Severability:

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

11- 8.8 Definitions:

The definitions listed in this section 11-8.8 are an integral part of this Ordinance. Where the definitions include regulations, restrictions, limitations or prohibitions, the definitions shall constitute enforceable requirements of this Ordinance.

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have in common usage and shall be construed to give this Ordinance their most reasonable application. Words used in the present tense include the future; the singular number includes the plural and the plural number includes the singular. The word “may” is permissive; “shall” is mandatory, not discretionary.

Abutting Property: Any lot which is physically contiguous with the subject lot even if only at a point and any lot which is located directly across a street or right-of-way.

Acceleration Lane: A speed-change lane for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can safely merge with through traffic.

Access: The ability to enter or leave a public street or highway from an adjacent driveway or another public street.

Access Management: The management of driveways and intersections to maintain highway safety and traffic carrying capacity of all highways/roads and to maintain the posted speed limit of arterials.

Accessory Apartment: An apartment created by converting part of an existing single family detached dwelling or accessory building into a separate dwelling unit containing not more than one bedroom and not more than five hundred and fifty (550) square feet of total space.

Accessory Structure or Use: A structure or use which is incidental and subordinate to the principal use or structure, allowed in the district in which it is located, and located on the same lot with such principal building or use. An accessory building is a structure detached from the principal building and containing the accessory use. A garage attached to the principal structure by roof or common wall is considered part of the principal structure.

Agricultural Products Processing: Establishments engaged in the processing and/or manufacturing and/or packaging of foods and all other plant and animal products, including but not limited to: forages and sod crops; grains and seed crops; dairy products; meat products (beef, poultry, pork, lamb, venison, etc.); fruits and vegetables; ornamental and greenhouse products; maple syrup products; commercial composting and storage of all the preceding.

Agriculture and Agricultural Management Activities: The production, keeping, or maintenance, for sale or lease, of plants and/or animals to include ornamental and greenhouse products; land clearing if the land topography is not altered; tilling, fertilizing, spreading and disposal of manure, liming, planting, pesticide application, harvesting or cultivating crops, pasturing of livestock, minor drainage; and other similar or related activities. Agriculture does not include forest management or timber harvesting activities.

Air Transportation Dependent Use: Facilities and uses associated with the functions and support of air transport activities, both cargo and passenger, including by way of example, but not limited to, hangers, terminals, refueling, control towers, repair and maintenance, and various accommodations for passengers and crews.

Amusement Facility/Park: A commercially operated premises which is maintained or operated primarily for the amusement, patronage, or recreation of the public. This includes, but is not limited to, activities for entertainment such as motorized rides, water slides, miniature golf, batting cages, indoor table sports, and the like.

Animal Breeding and/or Care (Husbandry): The breeding and raising of livestock for commercial purposes. Does not include a kennel, which is defined separately.

Annual Average Daily Traffic (AADT): The annual average two-way daily traffic volume that represents the total annual traffic on a road for the year, divided by three hundred and sixty-five (365).

Aquifer: A permeable geologic formation, either rock or sediment, that is capable of transporting water through the formation.

Arterial: A major/minor public roadway that serves long-distance through-traffic.

Authorized Agent: An individual or firm having written authorization to act on behalf of a property owner or applicant. The authorization shall be signed by the property owner or applicant.

Auto Body Shop: A business establishment engaged in body, frame or fender straightening and repair, or painting and undercoating.

Auto Repair Shop: A business establishment engaged in general repair, engine rebuilding and parts replacement. Auto Repair shall not mean auto body repair or the sale of gasoline, other motor fuels or motor oil.

Automobile Graveyard: A yard, field or other area used to store three (3) or more unserviceable vehicles or discarded, worn-out or junked motor vehicles or parts of such

motor vehicles. This does not include any area used for temporary [up to ninety (90) days] storage by an establishment or place of business that is primarily engaged in doing auto body repair work or in making repairs to render a motor vehicle serviceable. This does include an area used for automobile dismantling, salvage and recycling operations.

Automobile Recycling Business: The business premises of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that eighty percent (80%) of the property (or, in the case of multiple uses, eighty percent (80%) of the portion of the property used for the automobile recycling business) is devoted to recycling activities, as distinguished from disposal or storage of unserviceable, discarded, worn out or junked motor vehicles or parts of such motor vehicles.

Automobile Sales: Any site and/or facility where new and/or used vehicles are sold. This includes, but is not limited to, brand dealerships, used car dealerships, and any other locations where vehicles may be sold as a primary use or as an adjunct to other activities. This definition does not include the sale of personally owned registered vehicles.

Backlot: Any lot or parcel of land that does not have frontage (or lacks the minimum required thereof) on a public road (per the Town Street Ordinance) or on a privately owned road or lacks the potential for legal access.

Bed and Breakfast: Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public for compensation for less than one week. This dwelling shall also be the full-time, permanent residence of its owner. There shall be no provisions for cooking in any individual guest room.

Boarding/Lodging: Any residential structure where lodging, with or without meals, are provided for compensation for a period of at least one week, and where a family residing in the building acts as proprietor or owner. There shall be no provisions for cooking in any individual guest room.

Boat Building, Sales and Repair: The commercial construction or fabrication of boats. Boat building, as an activity, and the place in which boat building takes place, are distinct from a marina and/or boat storage facility. Wooden boats are those comprised primarily of wood and have wooden hulls. Non-wooden boats are those primarily comprised of materials such as fiberglass, ABS, carbon fiber, steel, concrete, etc.

Building Materials: Any and all materials which could be used in the construction of a building.

Building: Any three-dimensional enclosure by any building materials of any space for any use or occupancy, temporary or permanent, and shall include foundations and air-raid shelters in the ground, as well as all parts of any kind of structure above ground, except fences and field or garden walls or embankment retaining walls. "Building" shall include the phrase "manufactured housing unit", as defined in this section, and the word "structure", unless the context unequivocally indicates otherwise. "Building" shall not

include any recreational trailer or tent that is a structure to provide temporary living quarters for recreational camping; travel, or other legally permitted use.

Bulk Storage Plant or Terminal: That portion of a property where liquid, semi-solid or solid materials (chemicals, grains, particulates, etc.) are received by tank vessel, pipelines, tank car, tank vehicle or container, and are stored or blended in bulk for the purpose of distributing such materials by tank vessel, pipeline, tank car, tank vehicle, portable tank, or container.

Campground: A plot of ground upon which two (2) or more campsites are located, established, or maintained for occupancy by camping units of the general public for recreational use as transient living quarters.

Cemetery: Land used for the internment of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

Chemical Dependency Treatment Facility: A facility licensed by the Maine Department of Health and Human Services Community Services Programs through the Office of Substance Abuse to treat individuals for drug and alcohol abuse. Treatment shall include, but not be limited to, psychological counseling and supervised medical detoxification programs utilizing substitute medications such as Suboxone, Methadone, Naltrexone, and Disulfiram.

Church: A place of worship, regardless of denomination. (See also synagogue)

Civic, Convention Center: A facility, either publicly or privately owned, designed and equipped to provide mass accommodation to the public for events such as, but not limited to; sports games, concerts, lectures, circuses, stunt shows, expositions (garden, home, auto, construction, trade etc.), large group meetings (business, government, special interest, etc.).

Clinic, Medical, or Dental: An establishment providing outpatient examination, treatment, or other care by a physician or dentist, excluding chemical dependency treatment facilities.

Club: Any volunteer association of persons organized for recreational, social, religious, benevolent, literary, scientific or political purposes, whose facilities, especially a clubhouse, are open to members and guests only and not the general public and not engaged in activities customarily carried on by a business for pecuniary gain.

Code Enforcement Officer: A person appointed by the municipal officers to administer and enforce the Town's land use ordinances.

Collector Road: A roadway that connects local streets to arterials.

Commercial School: A place or institution for teaching and learning, which place or institution is established for commercial or profit-making purposes, including, by way of example only, schools for dance, music, riding, gymnastics, photography, driving, business, etc.

Communication Facility: See Telecommunication Facility.

Community Center: A building owned and operated by the Town of Farmington for the benefit of the community, which provides a meeting place for activities such as Town Meetings, voting, recreational and institutional programs.

Compact Zone: The most recent designation by MDOT of the built-up urban area of Town known as the “Compact Zone”.

Conference Center: A facility designed for gatherings of groups of people for formal or informal meetings. It may also include a dining hall and overnight accommodation facilities.

Congregate Housing: A type of dwelling which is occupied by elderly and/or disabled persons and that provides shared community space and shared dining facilities and normally also provides its residents with housekeeping services, personal care and assistance, transportation assistance, recreational activities, and/or specialized shared services such as medical support services.

“Shared community space” is space designed to be used in common for the enjoyment and leisure of residents of the facility, such as, by way of example only, reading rooms, sitting rooms, recreational rooms, rooms for entertaining guests, and exercise rooms. “Shared dining facilities” are a room or rooms designed for the serving of meals to residents sitting together, plus the kitchen and ancillary facilities required to prepare the meals.

A congregate housing development shall include either or both the following types of residential units: 1) Dwelling units, as defined by this ordinance, that is, single housekeeping units with living, sanitary, sleeping and permanent cooking facilities. 2) Residential care units, which do not meet the definition of dwelling unit because they have no cooking facilities within the units, but which normally consist of rooms with single or shared sleeping and sanitary facilities.

Additionally, the term congregate housing includes specialized facilities that provide long-term residential care, such as those designed specifically for persons with Alzheimer’s disease or other afflictions of the elderly for which specialized care outside of a nursing home may be appropriate. Congregate housing is distinct from “group home, hospice, nursing home, convalescent home, rest home or residential care facility”.

Conservation Easement: A non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space use, protection of natural resources, or maintaining air or water quality.

Corner Clearance: The minimum dimension, measured parallel to a highway, between the curb, pavement or shoulder lines of an intersecting highway and the nearest edge of a driveway.

Corner Lot: A single lot with continuous frontage abutting two (2) intersecting roads.

Cul-de-sac: A dead-end road with a circular or T-shaped turnaround at the end, usually built to serve a small subdivision.

Day Care Center: A facility registered with or licensed by the State that provides care and/or instruction during the day to three (3) or more children, exclusive of children who may be living in the home that is serving as the day care center.

Deceleration Lane: A speed-change lane for the purpose of enabling a vehicle to leave the through traffic lane at a speed equal to or slightly less than the speed of traffic in the through lane and to decelerate to a stop or make a slow speed turn.

Demolition Disposal: See Waste Disposal.

Design Hourly Volume: The hourly traffic volume used to evaluate or design a roadway or driveway.

Development: Any alteration of existing land or structures.

Driveway: A vehicular access way serving one (1) or more land uses on a parcel or a lot of land. The design of a driveway may involve a single vehicular access point along the parcel or lot frontage providing two-way travel or may involve up to two (2) well marked/signed access points, one providing ingress to, and the other providing egress from, the roadway.

Driveway/Entrance: A vehicular access way serving one (1) or more land uses on a parcel or a lot of land. The design may involve a single vehicular access point along the parcel or lot frontage providing two-way or may involve up to two (2) well marked/signed access points, one providing ingress to, and the other providing egress from, the roadway.

Driveway/ Entrance Volume:

- a. Low volume driveway: A driveway with a traffic volume of less than one hundred (100) vehicle trips per day, or less than twenty-five (25) vehicle trips per peak hour.
- b. Medium volume entrance: An entrance with a traffic volume of one hundred (100) to less than fifteen hundred (1500) vehicle trips per day, or twenty five (25) to less than one hundred (100) vehicle trips per peak hour.
- c. High volume entrance: An entrance with a traffic volume of fifteen hundred (1500) or more vehicle trips per day, or one hundred (100) or more vehicle trips per peak hour.

Driveway Width: The narrowest width of the driveway, measured perpendicular to the highway right-of-way.

Duplex: A building containing only two (2) dwelling units for occupation by not more than two (2) families.

Dwelling Unit: A room or suite of rooms within a dwelling designed and equipped as living quarters for a person or for a family, including provisions for living, sleeping, cooking, bathing, and eating.

Dwelling: Any building or structure or portion thereof designed or used for residential purposes. The following types of dwellings are herein defined:

Single Family Detached Dwelling: A freestanding building exclusively for residential use by not more than one (1) family. The term shall include manufactured housing, as defined in this section. Where accessory apartments are listed as allowable uses, they shall not be deemed to turn a single family detached dwelling into a two (2) family dwelling. See also the definition of accessory apartment.

Two Family Dwelling: A building used for residential occupancy by two (2) families living independently of each other. See also the definition of duplex.

Multi Family Dwelling: A building used for residential occupancy by three (3) or more families, each living independently of each other.

Enlargement or Expansion of a Structure: An increase of the building footprint and/or increase in the volume and/or increase in the height of the structure including all extensions such as, but not limited to, attached decks, garages, porches, and greenhouses. Alterations of existing buildings which are required in order to meet the requirements of the Americans with Disabilities Act (ADA) and/or the State Fire Code are not considered to be enlargements or expansions of a structure and are not required to meet otherwise applicable setback requirements, provided the alterations are the minimum necessary to satisfy the ADA and/or State Fire Code as determined by the Planning Board pursuant to section 11-8.10 (B) (5).

Enlargement or Expansion of Use: Any intensification of use in time, volume, or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use.

Essential Services: Essential Services include the following facilities, provided they primarily serve populations within the Town of Farmington or a neighborhood or structure within the Town: steam, fuel, gas, communication, emergency service, transportation, electric power, or water transmission, or distribution lines and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry, or other similar pipelines; municipal sewage lines, collection or supply systems and associated storage tanks.

Such systems may include poles, wires, mains, drains, pipes, conduits, cables, fire alarms, and police call boxes, traffic signals, hydrants, pumping stations, and similar accessories, but shall not include telecommunications facilities, or buildings which are necessary for the furnishing of such services.

Extractive Industry: Any extraction of water, sand, gravel, rock, topsoil, limestone, slate, granite, coal, gems, metallic or non-metallic ores, or other minerals or other like material which is removed from its natural location and transported from the extraction site.

Family: One (1) or more persons occupying a premise and living as a single housekeeping unit.

Farm and Forest: Areas that have been traditionally used for farming and forestry as rural areas, and areas of open space with limited amounts of residential development and appropriate businesses.

Farm Stands: A structure designed, arranged or used for the display and sale of agricultural products primarily grown or produced on the premises upon which such stand is located. A farm stand may be located on the premises that the products are not grown upon provided such premise is owned by the grower.

Firewood Processing: The cutting, splitting, handling and temporary storage of firewood for other than personal use.

Forestry Activities: Forest activities include timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, timber and stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, but not the construction, creation or maintenance of land management roads.

Frontage: The width of a single lot, measured parallel to the roadway right-of-way.

Full Cut-Off Type Fixture: A luminaire or light fixture that, by design of the housing, does not allow any light dispersion or direct glare to shine above a ninety degree (90°), horizontal plane from the base of the fixture. Full cut-off fixtures must be installed as designed.

Gasoline Service Station: Any place of business at which gasoline or other motor fuels are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

Gross Floor Area: The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of the exterior walls, or from the center line of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six (6) feet.

Group Home, Hospice, Nursing Home, Convalescent Home, Rest Home, Residential Care Facility: A housing facility which is approved, authorized, certified or licensed by the State board or agency that regulates the purpose of the facility involved. Examples include, but are not limited to, Department of Health and Human Services (DHHS) licensed community living facilities, foster homes, intermediate care facilities, mentally handicapped facilities, adult daycare facilities and developmentally disabled facilities; and Maine Department of Corrections licensed halfway correctional facilities. Neither a license issued by the State Fire Marshal, State Health Inspection Program, State Electrical Inspector,

Plumbing Boards, nor any other license that is not directly related to the purpose of the facility involved, constitutes sufficient approval.

Heavy Equipment Sales & Service: The sales and service of heavy equipment used in agriculture, construction and logging.

Highway Capacity: The maximum number of vehicles that a highway can handle during a specific unit of time at a given level of service.

Home Occupation: An occupation or profession which is customarily carried on in a dwelling unit or structure accessory to a dwelling unit which is clearly incidental and secondary to residential use and employs no more than one full-time equivalent outside employee. The home occupation must be carried on by the resident of the dwelling.

Homeless Shelter: A facility, the primary purpose of which is to provide temporary accommodations to homeless persons, free of monetary charge or at nominal cost, in dormitory-style, or barracks-style arrangements, or a combination of such arrangements. Accommodations are provided on a temporary basis, meaning that the facility is intended to serve as a refuge and a bridge between homelessness and residency in a suitable fixed location. Such facility also provides, in addition to shelter, support services such as food, hygiene, laundry, staff offices, and meeting rooms for counseling, job training, and referrals to other agencies.

Hospital/Medical Center: An institution providing, but not limited to, overnight health services, primarily for inpatients, and medical or surgical care for the sick or injured including, as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central services facilities, and staff offices.

Hotel/Motel: A commercial building or group of buildings built to accommodate, for a fee, travelers and other transient guests who are staying for a limited duration with sleeping rooms, with or without cooking facilities, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridor or hallway. May include restaurant facilities where food is prepared and meals served to its guests and other customers.

Indoor Theater: A facility operated for the showing of motion pictures or for dramatic or musical performances.

Industrial Park or Development: A subdivision developed for industrial uses, or a subdivision planned for industrial uses and managed as a unit, usually with provision for common services for the users.

Industrial Uses:

Heavy: The use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations which are not defined as light industrial uses below.

Light: The use of real estate, building or structure, or any portion thereof, which will not create a nuisance by noise, smoke, vibration, odor or appearance. Industrial activity involving the manufacturing, packaging, assembly, or distribution of finished

products from previously prepared material, including, by way of example only, and not limited to the following: bakeries, bottling, printing, publishing, pharmaceuticals, machine shops, precision instruments, watchmakers, musical instruments, toys, sporting goods, pottery/ceramics using only pulverized clay, wood products, jewelry, assembly of electrical components, canteen services, tool and die shops, and food packaging. Light industrial uses do not include the processing of raw materials or salvage operations.

Junkyard: Junkyard means a yard, field or other outdoor area of which eighty percent (80%) of the property used (or in the case of multiple uses, eighty percent (80%) of the portion of the property used) to store any and all of the materials listed below which may also be referred to as “junk”:

1. Discarded/worn-out plumbing, heating supplies, household appliances, furniture, machinery, equipment and trailers;
2. Discarded scrap and junked lumber and building materials;
3. Old/scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous metallic material;
4. Garbage dumps, waste dumps and sanitary fills;
5. Any discarded/scrap conveyance originally designed to operate on land, water or air.

Kennel: An establishment to house dogs or other domesticated animals and where such animals are groomed, bred, boarded, trained, or sold.

Lane: The portion of a roadway for the movement of a single line of vehicles, which does not include the gutter or shoulder of the roadway.

Larger vehicle: A vehicle that has a larger length, width, or turning radius and/or lesser acceleration capability than standard passenger vehicles or pickup trucks including busses, commercial trucks, and recreational vehicles.

Level of Service: A description of traffic conditions along a given roadway or at a particular intersection. The level of service ranges from “A”, which is the best, to “F”, which is the worst. It reflects factors such as speed, travel time, freedom to maneuver, traffic interruptions, and delay.

Library: A building in which is housed literary and artistic materials, such as books, periodicals, newspapers, pamphlets and prints, kept for reading or reference. The building is maintained by an institution, foundation, or corporation which lends the contained materials for free or for a fee.

Loading Facilities: A principal-use loading site and/or facility where either short or long haul trucks are unloaded and/or loaded for local, regional or distant delivery. Examples of sites where these facilities are often located include, but are not limited to: trucking

terminals, wholesale beverage distributors, bakery and other food distributors, etc., grain/feed distributors, bulk fertilizer plants, bulk cement plants (incl. concrete batch plants), paving batch plants, log/woodchip/biomass processing/production sites, milk processors, distribution warehouses, etc.

Local Street: A roadway that directly serves abutting properties.

Manufactured Homes or Housing Units: This category is inclusive of all transportable, factory-built single-family structures: “modular” (no permanent hitch or wheels/axles) which can be single or multi-section; and “mobile” (with permanent hitch and wheels/axles) which are single section (commonly known as “trailers”).

These structures are designed to be transported to a building site and used as dwellings when connected to the required utilities, including the plumbing, heating, electrical and air conditioning systems contained therein.

Mobile Homes: See Manufactured Homes or Housing Units.

Mobile Home Park: A parcel of land under unified ownership designed and/or used to accommodate three or more mobile homes.

Mobile Home Park Lot: An area of land on which an individual manufactured housing unit is situated within a mobile home park and which is reserved for use by the occupants of that unit. The Planning Board shall require that all mobile home park lots are delineated on a mobile home park plan.

Modular Homes: See Manufactured Homes or Housing Units.

Museum: A place or building in which works of artistic, historical, or scientific value are cared for and exhibited.

Nursery: The site of a commercial operation which grows young plants or trees for subsequent sale and transplanting.

Offices: Business, Professional, Medical, Government: The place, such as a building, room or suite, in which services, clerical work, professional duties of a business, medical practice, governmental body or professional service are carried out, including but not limited to finance, real estate, accounting, data processing, legal, insurance, counseling, design, engineering, and architecture, but expressly excluding any repair services, retail sales, chemical dependency treatment facility, or clinics.

Open Space Residential Development or Open Space Subdivision: An alternative form of residential development to the conventional residential subdivision, in which the buildings are clustered or grouped on a portion or portions of the site with remaining portions of the site permanently preserved as open space. All open space residential developments shall be subject to subdivision regulations and approvals. Dwelling units may be located on individual lots, may be leased, or may be in a condominium form of ownership.

Parish House or Facility: An independent structure or accessory space owned by a religious organization and used for various religious and secular functions.

Parking, Commercial Facility: A facility or lot, which provides parking for vehicles for a fee.

Passenger Car Equivalents (at peak hour): The number of passenger cars (or, in the case of non-passenger vehicles, the number of passenger cars that would be displaced by non-passenger vehicles) at the hour of the day during which the traffic volume generated by the development is higher than the volume during any other hour of the day. For purposes of this definition, one (1) tractor-trailer combination is the equivalent of two (2) passenger cars.

Peak Hour Traffic: The highest number of vehicles found to be passing over a section of a lane or roadway during any sixty (60) consecutive minutes. Typically, there is a peak hour condition in the A.M. and a peak hour condition in the P.M. for which the roadway or intersection is analyzed for capacity and level of service.

Primarily: Greater than fifty-one percent (51%).

Principal Structure: A building other than one which is used for purposes incidental or accessory to the use of another building or use on the same premises.

Principal Use: A use other than the one which is wholly incidental or accessory to another use on the same premises.

Printing, Publishing: An establishment engaged in producing and distributing printed products and materials for sale.

Public Roadway: Either a Town or State maintained roadway or highway with the appropriately designated right-of-way delineation defining its location and limits.

Public Utility: Facilities for the delivery of such public services as water, electricity, telephone, gas, and transportation, whether publicly or privately owned, which are regulated by such agencies as the Maine Public Utilities Commission, the Maine Department of Transportation, the Federal Communications Commission, or the Federal Aviation Administration, and which are intended to serve primarily populations or activities outside of the Town of Farmington. This term also includes buildings, other than those housing pumping stations, which are necessary for the furnishing of essential services, whether local or greater in scope.

Recreation: An activity pursued for leisure in order to refresh mind or body. A facility designed or equipped for such pursuit and/or the conduct of leisure time activities and other customary and usual recreational activities. Facilities like theaters are not included in this definition but those like video arcades are included.

Recreational Vehicle: A vehicle or an attachment to a vehicle designed to be towed, and designed for the temporary sleeping or living quarters for one (1) or more persons, and which may include a pickup camper, travel trailer, tent trailer, camp trailer, and motor home.

Recycling Operations: Any site where any materials, components, parts, remnants, containers, etc. are collected and/or sorted and/or processed for reuse. Examples include, but are not limited to: food, beverage and product container recycling; animal and vegetable fat rendering; auto recycling; etc. This does not include any bottle redemption accessory to a retail store.

Residential: Areas that are predominately residential, with very limited commercial use such as “home occupation” businesses located therein as regulated by performance standards. The Residential District is predominantly comprised of residential areas developed through subdivision or other similar historic development patterns. Generally these areas are less suitable for agricultural or forestry production.

Residential/Light Commercial: Areas that are predominantly rural and residential, primarily located along the arterial highways north and west of the town center, the Strong and Town Farm (Rte. 4) Roads, and the Fairbanks and New Vineyard (Rte. 27) Roads. Light commercial activities are allowed to intermix in this rural/residential area on a limited basis in a manner that will conserve the essential character of this district.

Restaurant:

Fast Food: An establishment which serves meals which are prepackaged or presented in a manner that can readily be eaten on or off the premises where sold and which may serve food and beverages directly to occupants of motor vehicles, or directly to pedestrian traffic.

Family: An establishment where meals are prepared and served to the public for consumption on the premises entirely within a completely enclosed building; and where no food or beverages are served directly to occupants of motor vehicles or directly to pedestrian traffic from an exterior service opening or counter, or any combination of the foregoing; and where customers are not encouraged by the design of the physical facilities, by advertising, or by the servicing or packaging procedures, to take-out food or beverage for consumption outside the enclosed building.

Retail: A business primarily engaged in the sale of goods to the consumer for direct use or consumption and not for resale including, but not limited to: basic foods and beverages, motor vehicles, recreational vehicles, equipment, specialty items, gift items, tools, lumber, books, pharmaceutical/health products, jewelry, clothing, florists, photo studios, and similar retail businesses.

Safe Sight Distances: Minimum safe sight distances are specified by MDOT as a function of driveway traffic volumes and posted highway (roadway) speed.

Sawmill: An establishment which machine cuts wood logs into lumber.

School, Public, Private: A place or institution for teaching and learning, at which courses of study are taught sufficient to qualify attendance there as being in compliance with State compulsory education requirements.

Service: A business primarily engaged in providing services (useful labor that does not produce a commodity) for individuals and businesses including, but not limited to: laundries, beauty salons/nail techs, barber shops, advertising, equipment leasing, funeral parlors, auto washes, dry cleaners, furniture stripper, travel service, tradesmen's shops (see definition), well drilling, boat storage, self-storage, taxidermy, insurance agencies, attorneys, financial advisors, tattoo/piercing, bird sanctuaries, and similar service businesses.

Service Road/Frontage Road: A local street or road located parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

Shared Driveway: A single driveway serving two (2) or more lots. A shared driveway may cross a lot line or be on the lot line, and the owners may have an easement for the shared use.

Shopping Center: Any concentration of two (2) or more retail stores or service establishments under one (1) ownership or management containing fifteen thousand (15,000) square feet or more of gross floor space.

Small Animal Veterinary Clinic: A facility used for the diagnosis, care and medical and/or surgical treatment of small animals and the short-term boarding of such animals when incidental to care. The overnight boarding of healthy animals is defined as a kennel. Small animals refer to house pets such as dogs, cats, ferrets, rabbits, birds, etc. and excludes farm animals such as cows, horses, pigs, sheep and goats.

Sports Activity Center: A place enclosed by walls, roof, and floor, designed and equipped for the conduct of indoor sports, and operated by an entity other than a unit of government. These include, by way of example only, skating rinks, gymnasiums, bowling alleys, racquetball and tennis courts, swimming pools and the like. Facilities like fitness studios, martial arts centers, and video arcades are not included in this definition.

Stable: An establishment to house horses and other domesticated animals, where such animals are groomed, bred, boarded, pastured, trained, or sold.

Storage Length: Additional lane footage added to a turning lane to hold the maximum number of vehicles likely to accumulate during a peak period so as not to interfere with the through travel lanes.

Store, Neighborhood Convenience: A store intended to service the convenience of a residential neighborhood primarily with the sale of merchandise including such items as, but not limited to, basic foods, snacks, beverages, novelty ice cream items, sandwiches, newspapers and magazines.

Strip Development: A linear pattern of roadside development. Most commonly, it includes residential or commercial development, or mixed patterns of both.

Structure: Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground. The term includes structures temporarily or permanently located, such

as decks and swimming pools. “Structure” shall not include any recreational tent or trailer that is designed to provide temporary living quarters for recreational camping, travel or other legally permitted use.

Subdivision: The division of a tract or parcel of land into three (3) or more lots as defined in the “Town of Farmington Subdivision Ordinance” and applicable State statutes.

Synagogue: A place of worship.

Telecommunications Facility: Any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services. Telecommunications Facility shall be considered a principal use. Pre-existing accessory use towers/antennas shall be exempt from this definition.

Throat: A portion of a driveway used to store queued vehicles without impeding vehicular circulation.

Tower (Radio, Television, Communication): Tower means any structure, whether freestanding or in association with a building or other permanent structure, that is designed and constructed primarily for the purposes of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and similar structures.

Tradesman’s Shop: An establishment occupied by a craftsperson or a person in a skilled trade, including, by way of example only, and not limited to plumbing, carpentry, or electrical work. The term also shall include establishments engaged in the repair of electrical goods and appliances, watches, jewelry, equipment, furniture, or other goods, exclusive of motor vehicles, where such services are the primary use and not accessory to another use, such as retail sales. The shop may include workspace, storage space, and office space, but may not exceed two thousand (2,000) square feet of total floor area.

Traffic Impact Study: A report initiated in response to a proposed development that analyzes the anticipated roadway conditions with and without the development. The report may include an analysis of mitigation measures. Elements of the Study are specified in §11-5.11.E.3.c of the Site Review Ordinance.

Transportation Facility: A site and/or facility, either publicly or privately owned and operated, which provides access to the public for embarking and debarking from mass transit vehicles or infrastructure such as buses and trains. Air transportation is not included in this definition - see Air Transportation Dependent Use.

Trip Generation: The estimated volume of traffic going to and from a particular location.

Truck: Any vehicle with a GVW registered in excess of 18,000 lbs., such vehicles would include SU-30 (straight units), B-40 (most buses), WB-50's (semis) and larger tractor trailers.

Trucking, Distribution Terminal: See Loading Facilities.

Turn Radius: The radius of an arc that approximates the turning path of a vehicle.

Uncontrolled Access: The unlimited number, spacing and/or unstandardized design of driveways onto a street or road.

Urban Compact Zone: The most recent designation by MDOT of the built-up urban area of Town known as the "Urban Compact Zone".

Variance: A relaxation of terms as defined in 30-A M.R.S. §4353, and requiring satisfaction of the test for undue hardship, granted by the Board of Appeals.

Vehicle Trip: The vehicle moving from an origination point to a destination point.

Veterinary Hospital or Clinic: A facility used for the diagnosis, care, medical and/or surgical treatment of ailing or injured animals, and the short-term boarding of such animals when incidental to care. The overnight boarding of healthy animals is defined as a kennel.

Village/Business (includes Historic Village/Business): A compact, predominantly business area, mainly in and around the downtown "village" section of town, with a distinct historic character – both architectural and cultural. Future growth within and in addition to this district shall be compatible with this character.

Village/Commercial: A compact, predominantly commercial area, near the downtown "village" section of town, but distinct from both "village" districts. This is a transition district between the less restrictive General Purpose district and the more restrictive "village" districts.

Village/Residential: A compact, predominantly residential area, mainly in and around the downtown "village" section of town, with a distinct historic character – both architectural and cultural. Future growth within and in addition to this district shall be compatible with this character.

Volume Warrants: The conditions under which a traffic management technique, such as a left-turn or a right-turn lane, is justified. For example, the need for a left-turn lane will vary according to the volumes of advancing and opposing traffic, and the percentages of traffic turning left.

Waiver: A relaxation of the terms of this Ordinance, granted by the Planning Board.

Warehousing/Storage: The storage of goods, wares and merchandise in a warehouse.

Waste Disposal: A facility, including a landfill operated by a public, quasi-public or private entity, which purpose is to dispose of useless, unwanted or discarded solid material with

insufficient liquid content to be free flowing, including by way of example, and not limited to, rubbish, garbage, scrap materials, junk, refuse, inert fill material, landscape refuse, and demolition debris. This definition does not, however, include commercial hazardous waste disposal facilities, recycling of products or composting for home use.

Wholesale: A business that primarily involves the sale of merchandise, in bulk or large quantities, to retailers for resale, or to industrial, commercial, or institutional users including, but not limited to, foods and beverages, building supplies, chemical supplies, plumbing supplies, electrical and heating supplies, and similar wholesale businesses.

11- 8.9 Establishment of Districts: To implement the provisions of this Ordinance, the Town of Farmington is hereby divided into the following districts:

A. Growth Areas:

1. Village Districts:

- a. Village/Residential**
- b. Village/Business (Includes the Historic Village Business)**
- c. Village/Commercial**

The purpose of the Village/Residential and Village/Business Districts is to preserve and build upon the existing village-like character of the downtown areas of Farmington, West Farmington, and Farmington Falls and to allow for growth that is compatible with the architectural/historic and cultural character of these areas by promoting the reuse of buildings therein and prohibiting incompatible uses such as heavy industrial uses.

The purpose of the Village/Commercial District is to provide a district to accommodate certain uses which are often found near Village/Business and Village/Residential Districts, but which would be detrimental to architectural, historic and cultural character if not prohibited from being within these districts.

The Village/Commercial District differs from the General Purpose District in that it is more restrictive than the latter, while at the same time being less restrictive than either the Village/Business or Village/Residential Districts.

By making the above distinction, the character of each of the town's economic trading areas – Village/Business, General Purpose, Village/Commercial, and Residential/Light Commercial – is kept intact.

2. General Purpose Districts:

The purpose of the General Purpose Districts is to accommodate a variety of local and regional commercial, industrial, office, restaurant, motel, residential, and other uses in well-planned areas that are easily accessible. As commercial growth areas, General Purpose Districts will provide planned areas in which to concentrate highway dependent uses in order to limit sprawl as well as provide parking and service roads that result in the creation of attractive, efficient and marketable locations for businesses.

3. Residential/Light Commercial:

The purpose of the Residential/Light Commercial District is for these areas to remain essentially as a rural, residential area with occasional light commercial operations intermixed. It is the intent that this district will not include heavy industry or commercial activities that are noisy or polluting or are unsightly in nature, or that cause undue traffic congestion.

4. Residential:

The purpose of the Residential District is to accommodate residential growth in and around the village areas and adjacent neighborhoods and along with the primary roads near the village areas, to encourage residential growth in areas, which are less suitable for agricultural production and forestry. This district will permit uses compatible with the residential nature of the district, prohibit commercial uses, which are incompatible with residential uses, and prohibit strip commercial development.

B. Rural Areas: Farm and Forest District

Farm and Forest District:

The purpose of the Farm and Forest District is to maintain those areas that have traditionally been used for farming and forestry as rural areas, to preserve large areas of open space with limited amounts of residential development, and to allow appropriate businesses.

C. Overlay Districts: (Natural Resource Areas)

In certain limited locations the Town's Natural Resource Areas may overlay, and compliment (or override if more stringent) the provisions of the Growth and Rural Areas.

- 1. Wellhead Protection District:** Areas regulated by the Town of Farmington Wellhead Protection Ordinance and accompanying map.
- 2. Shoreland Zoning District:** Areas regulated by the Town of Farmington Shoreland Zoning Ordinance and accompanying map.
- 3. Floodplain Management District:** Areas regulated by the Town of Farmington Floodplain Management Ordinance and accompanying map.
- 4. Conservation Areas:** Areas voluntarily placed into conservation land trusts, conservation easements or other vehicles for the purpose of the preservation of certain unique natural qualities as determined by criteria administered by the Planning Board.

D. Table of Uses:

1. The Table below establishes the appropriateness of specific land uses in the seven (7) districts defined in Sections 11-8.9 (A)(B) and 11-8.8. Proposed uses in certain categories may only require reporting to the Code Enforcement Officer (CEO). Proposed uses in certain categories may be approved by the CEO if properly documented to prove minimal or no impact on abutting properties or resources. All other proposed uses must be approved by the Planning Board. The review process is defined in the Site Review Ordinance.

2. Proposed commercial or industrial uses not specifically listed in the Table or that would not be generally recognized by the Planning board as a subset of an existing use shall be referred to the Zoning Board for recommendations concerning the inclusion of the use in the Table.

3. Table: The uses allowed in each zoning district are set forth in the following Table:

Key: Y = Permitted, subject to land uses standards.

Y* = Permitted, subject to land use standards and Planning Board approval.

*** = Permitted on a site-specific basis, subject to land use standards and Planning Board approval.**

N = Not permitted.

NOTE: Village **Business** Historic District (**VBH**) is a sub-district within the Village Business District (**VB**).

| | General | Residential | Village | Village | Village | Residential | Farm & |
|--|-----------------|--------------------|----------------|--------------------|--------------------|--------------------|-------------------|
| | Purpose | Light | Comm. | Business | Residential | District | Forest |
| | District | Comm. | Dist. | District | District | | District |
| | | District | | including | | | |
| | | | | Village | | | |
| | | | | Business | | | |
| | | | | Hist. Dist. | | | |
| Use/Structure | | | | | | | |
| RESIDENTIAL | | | | | | | |
| Accessory Use | Y | Y | Y | Y | Y | Y | Y |
| Open Space Residential Development | Y* | Y* | N | N | Y* | Y* | Y* |
| Congregate Housing | Y* | Y* | Y* | Y* | Y* | Y* | Y* |
| Duplex | Y | Y | Y | Y | Y | Y | Y |
| Home Occupation | Y | Y | Y | Y | Y | Y | Y |
| Manufactured Housing | Y | Y | Y | Y | Y | Y | Y |
| Mobile Home Park | Y | Y | N | N | N | Y* | Y* |
| Multi-family Dwelling | Y* | Y* | Y* | Y* | Y* | Y* | Y* |
| Single-family Dwelling (incl. modular units) | Y | Y | Y | Y | Y | Y | Y |
| Wind Energy System | Y* | Y* | Y* | N | N | N | Y* |
| Solar Energy System - (PRSES only) | Y | Y | Y | Y | Y | Y | Y |
| | | | | | | | |
| COMMERCIAL | | | | | | | |
| Accessory Use | Y | Y | Y | Y | Y | Y | Y |
| Alternative Tower Structure | Y* | Y* | Y* | Y* | Y* | Y* | Y* |
| Amusement Facility | Y* | * | Y* | N | N | N | Y* |
| Auto Graveyard, Junkyard & Auto Recycling | Y | N | N | N | N | N | * |
| Auto Repair & Sales; Small Engine Repair | Y* | Y* | Y* | N | N | N | Y* |
| Bed & Breakfast | Y | Y | Y | Y | Y* | Y | Y |

| | General | Residential | Village | Village | Village | Residential | Farm & |
|---|----------|-------------|---------|------------------|-------------|-------------|----------|
| | Purpose | Light | Comm. | Business | Residential | District | Forest |
| | District | Comm. | Dist. | District | District | | District |
| | | District | | including | | | |
| | | | | Village | | | |
| | | | | Business | | | |
| | | | | Hist. Dist. | | | |
| Use/Structure | | | | | | | |
| COMMERCIAL (Continued) | | | | | | | |
| Boarding, Lodging | Y | Y | Y | Y | Y | Y | Y |
| Boat Building, Repair (Non-wood) | Y | Y* | Y* | N | N | N | * |
| Boat Building, Repair (Wood) | Y | Y | Y* | N | N | N | Y* |
| Building Materials, Retail Sales | Y* | Y* | Y* | N | N | N | * |
| Commercial School | Y | Y* | Y* | Y* | N | N | Y* |
| Conference Center | Y* | Y* | Y* | Y* | N | N | Y* |
| Firewood Processing | Y | Y* | N | N | N | N | Y |
| Gasoline Service Station | Y | * | * | N | N | N | * |
| Hotel/Motel: Multi-story | Y | * | Y* | Y* | N | N | Y* |
| Hotel/Motel: Single-story | Y | Y* | Y* | Y* | N | N | Y* |
| Indoor Theater | Y | Y* | Y* | Y* | N | N | * |
| Kennel, Stable, Veterinary Hospital | Y | Y* | N | N | N | N | Y |
| Neighborhood Convenience Store | Y | Y* | Y | Y | N | * | * |
| Commercial Parking Facility | Y | N | Y | Y | N | N | N |
| Loading Facilities | Y | * | Y | Y | N | N | Y* |
| Marijuana Stores | Y* | Y* | N | Y*(VB) N(VBH) | N | N | N |
| Marijuana Cultivation Facilities | Y* | N | N | N | N | N | Y* |
| Marijuana Manufacturing Facilities | Y* | Y* | N | Y*(VB) N(VBH) | N | N | Y* |
| Marijuana Testing Facilities | Y* | Y* | N | Y*(VB) N(VBH) | N | N | Y* |
| Offices: Business, Professional, Medical, Gov't | Y* | Y* | Y* | Y* | Y* | Y* | Y* |
| Publishing, Printing | Y | Y* | Y* | Y* | N | N | * |
| Radio, T.V. Communication Tower | Y | * | N | N | N | N | Y* |
| Recreation | Y* | Y* | Y* | Y* | Y* | Y* | Y* |
| Restaurant (fast food) | Y* | * | * | N | N | N | N |
| Restaurant (family) | Y | Y* | Y | Y | N | N | Y* |
| Retail Business (not mentioned herein) | Y | Y | Y | Y | N | N | * |
| Sexually Oriented Business | Y* | N | N | N | N | N | N |
| Service Business (not mentioned herein) | Y | Y | Y | Y | * | * | * |
| Small Animal Veterinary Hospital | Y | Y* | Y* | Y* | Y* | Y* | * |
| Shopping Center | Y* | * | N | N | N | N | * |
| Sports Activity Center | Y* | Y* | Y* | Y* | N | N | Y* |
| Wholesale Business (not mentioned herein) | Y* | * | Y* | Y* | N | N | * |
| Wind Energy System | Y* | N | N | N | N | N | Y* |
| Solar Energy Systems (CSES only) | Y* | Y* | Y* | Y* | N | N | Y* |
| | | | | | | | |
| INDUSTRIAL | | | | | | | |
| Accessory Use | Y | Y* | Y* | Y* | N | N | Y* |
| Air Transportation Dependent Use | Y* | * | N | N | N | N | * |
| Bulk Storage Plant or Terminal | Y* | N | N | N | N | N | N |
| Demolition, Waste Disposal | Y | N | N | N | N | N | * |
| Heavy Industrial | Y* | N | N | N | N | N | N |
| Industrial Park | Y* | Y* | N | N | N | N | N |
| Light Industrial | Y | Y* | N | N | N | N | N |
| Recycling Operations | Y* | Y* | N | N | N | N | Y* |
| Sawmill | Y* | Y* | N | N | N | N | Y* |
| Transportation, Communication Facility | Y* | Y* | Y* | Y* | N | N | * |

| | General | Residential | Village | Village | Village | Residential | Farm & |
|---|----------|-------------|---------|-------------|-------------|-------------|----------|
| | Purpose | Light | Comm. | Business | Residential | District | Forest |
| | District | Comm. | Dist. | District | District | | District |
| | | District | | including | | | |
| | | | | Village | | | |
| | | | | Business | | | |
| | | | | Hist. Dist. | | | |
| Use/Structure | | | | | | | |
| <u>INDUSTRIAL (Continued)</u> | | | | | | | |
| Trucking, Distribution Terminal | Y* | * | N | N | N | N | * |
| Warehousing and Storage | Y* | Y* | N | N | N | N | * |
| Solar Energy Systems (ISES only) | Y* | N | N | N | N | N | Y* |
| | | | | | | | |
| <u>EDUCATIONAL, INSTITUTIONAL, PUBLIC</u> | | | | | | | |
| Accessory Use | Y | Y | Y | Y | Y | N | * |
| Chemical Dependency Treatment Facility | * | N | N | N | N | N | N |
| Church, Synagogue, Parish House, Mosque etc. | Y* | Y* | Y* | Y* | Y* | Y* | Y* |
| Civic, Convention Center | Y | N | N | N | N | N | * |
| Community Center | Y | Y | Y | Y | Y | N | * |
| Clubs | Y | Y | Y | Y | N | N | Y* |
| Day Care, Home | Y | Y | Y | Y | Y | Y* | Y |
| Day Care, Center | Y | Y | Y | Y | Y | Y | Y |
| Fire, Police, E.R. Service | Y | Y | Y | Y | Y | Y | Y |
| Group Home, Hospice, Nursing Home, Residential Care Facility | Y* | Y* | Y* | Y* | Y* | Y* | Y* |
| Homeless Shelter | Y* | Y* | Y* | Y* | Y* | Y* | Y* |
| Hospital/Medical Center | Y* | Y* | Y* | Y* | N | N | * |
| Museum, Library | Y | Y | Y | Y | * | * | Y* |
| Public, Private School | Y* | Y* | Y* | Y* | Y* | Y* | Y* |
| Public Utility Buildings | Y | Y | Y | N | N | Y | Y |
| | | | | | | | |
| <u>OUTDOOR, RESOURCE BASED USES</u> | | | | | | | |
| Accessory Structure | Y | Y | Y | Y | Y | Y | Y |
| Agriculture | Y | Y | N | N | N | Y* | Y |
| Agricultural Products Processing | Y* | Y* | N | N | N | N | Y* |
| Animal Breeding or Care | Y | Y | N | N | N | Y | Y |
| Campground | Y* | Y* | N | N | N | N | Y* |
| Cemetery | Y | Y | N | N | N | Y* | Y |
| Extractive Industry | * | * | N | N | N | N | Y* |
| Farm Stands | Y | Y | Y | N | N | N | Y |
| Forestry Activities | Y | Y | * | * | * | Y* | Y |
| Golf Course (excluding miniature golf) | Y | Y | N | N | N | N | Y |
| Nursery | Y | Y | Y | Y | N | N | Y |
| Parks and Recreation (non-commercial) | Y | Y | Y | Y | Y | Y | Y |

E. Dimensional Requirements:

Lots in all Zoning Districts outside the Shoreland Zoning District shall meet or exceed the following requirements:

| | General | Residential | Village | Village | Village | Village | Residential | Farm & |
|---|---|---|----------|----------|--------------|---|---|---|
| | Purpose | Light | Comm. | Business | Business | Residential | District | Forest |
| | District | Comm. | District | District | Historic | District | | District |
| | | | | | District (A) | | | |
| Minimum lot area SF (B) | | | | | | | | |
| With public sewer | 40,000 | 40,000 | 40,000 | 40,000 | 450 | 15,000 | 40,000 | 40,000 |
| Without public sewer | 60,000 | 60,000 | 50,000 | 50,000 | N/A | 25,000 | 50,000 | 50,000 |
| Maximum residential density in OSRD (C) | 4 units per acre after subtracting 50% open space | 4 units per acre after subtracting 50% open space | N/A | N/A | N/A | 4 units per acre after subtracting 50% open space | 4 units per acre after subtracting 50% open space | 4 units per acre after subtracting 50% open space |
| Minimum frontage (feet) | 150 (D) | 100 (D) | 100 | 100 | 20 | 75 | 100 (D) | 150 (D) |
| Minimum frontage on internal road serving OSRD (E) | 75 | 75 | N/A | N/A | N/A | 75 | 75 | 75 |
| Minimum setback (feet) | | | | | | | | |
| Front | 50 | 50 | 35 | 35 | (F) | 20 | 35 | 35 |
| Side | 25 | 15 | 15 | 15 | 0 | 10 | 15 | 15 |
| Rear | 25 | 15 | 15 | 15 | 15 | 15 | 20 | 20 |
| Minimum front setback from edge of pavement for internal roads serving OSRD | 20 | 20 | N/A | N/A | N/A | 20 | 20 | 20 |
| Maximum lot coverage | 75% | 60% | 70% | 70% | 99% | 50% | 40% | 50% |
| Building height limits | 56' | 56' | 56' | 56' | (G) | 56' | 56' | 56' |

Height limits do not apply to towers, antennas, or agricultural silos. Side and rear setbacks shall be measured from property boundary lines. Front setbacks established above shall be measured from the Setback Starting Point as described below in the section entitled Setback Starting Point, except with regard to the front setback from internal roads serving an OSRD. Setbacks apply to all structures except signs, landscaping, fences, and parking lots. The minimum setback from property lines for driveways in all Districts shall be ten feet (10). Where abutters elect to share a single driveway on or near their common boundary line there shall be no setback required.

The performance standards, dimensional requirements, and definition specific to Open Space Residential Development (OSRD) are only applicable to those individuals or entities voluntarily choosing to submit an OSRD project application and plan to the Town of Farmington Planning Board per 11-8.11.1.4 (a) in the Town of Farmington Zoning Ordinance for OSRD approval and permit and, as such, said OSRD standards and requirements are entirely elective and self-imposed by said individuals or entities. The OSRD performance standards, dimensional requirements, and definition apply to no other types of land-use development or projects in Farmington, whether before the Planning Board or not.

- (A) The Village Business Historic District is a sub-classification within the Village Business District. Dimensional requirements in this category apply to properties with frontage in these areas: Main Street from Anson Street to Academy Street; Broadway from High Street to the 100-year floodplain boundary of the Sandy River; and Front Street from Park Street to Depot Street.
- (B) Minimum lot area does not apply in an Open Space Residential Development. See maximum residential density in OSRD.
- (C) A density bonus may be applied as provided in the Performance Standards, Section 11-8.11.1 (8).
- (D) Backlots with frontages between fifty feet (50) and these minimums may be built on if structures are set back a minimum of two hundred fifty feet (250).
- (E) Minimum frontage in OSRD applies only where individual lots are created.
- (F) No closer to the street than side-abutting buildings, except when a sidewalk exists, the setback shall be no closer than the building edge of said sidewalk (the edge of the sidewalk which lies farthest from the traveled way).
- (G) No taller than the highest existing building in this district as of enactment of these requirements.

F. SETBACK STARTING POINT:

The appropriate front setback distance set forth in the Dimensional Requirements shall be measured perpendicularly from the **Setback Starting Point**. The **Setback Starting Point** shall be the greater of either the distance from the “Center Point” or the “Outer Edge of the Traveled Way” as listed in the **Setback Starting Point** Chart below:

| Front Setback Starting Point Chart | | |
|---|------------------------------------|--|
| | From “Center Point” | From “Outer Edge of Traveled Way” |
| Category 1 | 55’ | 22’ |
| Category 2 | 40’ | 16’ |
| Category 3 | 25’ | 15’ |
| Category 4 | 20’ | 15’ |
| Category 5 | N/A | See Note 1 |

SEE ROAD CLASSIFICATIONS AND SETBACK STARTING POINT DIAGRAMS BELOW. In the event there is any discrepancy between the diagrams below and the Setback Starting Point Chart above, the requirements set forth in the Chart shall prevail.

For paved roads, the term traveled way shall mean the edge of the pavement, regardless of whether or not the shoulder is paved. The existence of a sidewalk shall not affect the distances established in the chart above (see exception for Village Business Historic District below). For gravel roads, the term traveled way shall mean the outside edge of the gravel shoulder, not including vegetated areas or ditches.

Note 1: The front setback for any structure within the Village Business Historic District shall be no closer to the existing street than side-abutting buildings, except where a sidewalk exists the front setback shall be no closer than the outer edge of said sidewalk.

The Town of Farmington makes no representation regarding the setback standards or requirements which may be deeded restrictions, or which may be mandated by any other governmental instrumentality.

G. ROAD CLASSIFICATIONS:

Category 5 Roads: All roads within the Village Business Historic District which lie in the following area: Main Street from Anson Street to Academy Street; Broadway from High Street to the 100 year floodplain boundary of the Sandy River; Front Street from Park Street to Depot Street.

Category 4 Roads: Any private right of way or easement granted for the purpose of vehicular ingress and egress to two (2) or more dwellings on separate tax parcels. This category shall not apply to public roads or driveways to one dwelling or multiple dwellings on the same tax parcel.

Category 3 Roads: North Chesterville Road (Route 156), South Strong Road (Route 149), High Street, Anson Street and all other public roads not otherwise listed in a more restrictive Category. Any portion of High or Anson Street, which lie in the Village Business Historic District shall fall under Category 5.

Category 2 Roads: New Vineyard Road (Route 27), except any portion which lies within the Village Business Historic District (see Category 5)

Temple Road (Route 43 W) and Industry Road (Route 43 E), except any portion which lies within the Village Business Historic District (see Category 5)

Livermore Falls Road (Route 133)

Town Farm Road

Seamon Road

The portions of Wilton Road, Intervale Road and Main Street which begin at the intersection of Wilton Road and Oakes Street and extends northerly over Intervale Road and continues northerly over Main Street to the intersection of Belcher Road, except for the portions of Main Street which lie in the Village Business Historic District.

Category 1 Roads:

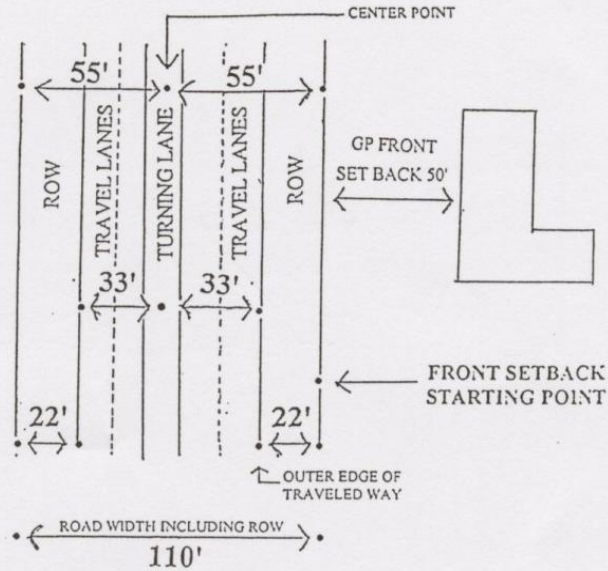
The portion of the Wilton Road (Routes 2 & 4) which begins at the Oakes Street intersection and extends southerly to the Wilton town line.

The portion of Fairbanks Road (Route 4) which begins at the Belcher Road intersection and extends northerly to the Strong town line.

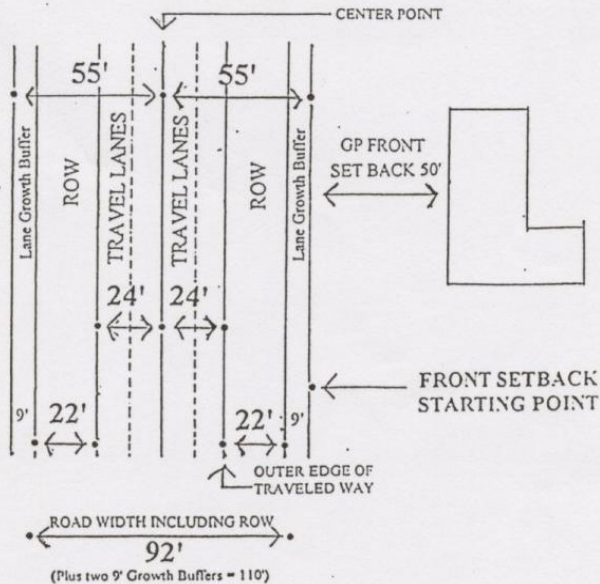
The portion of Farmington Falls Road (Route 2) which begins at the Intervale Road intersection and extends easterly to the New Sharon line.

CATEGORY 1 ROADS **FRONT SETBACK STARTING POINT DIAGRAMS** (See Front Setback Starting Point Chart, Road Classification list and Minimum Front Setbacks established in Dimensional Requirements above)

FIVE LANE CROSS SECTION*



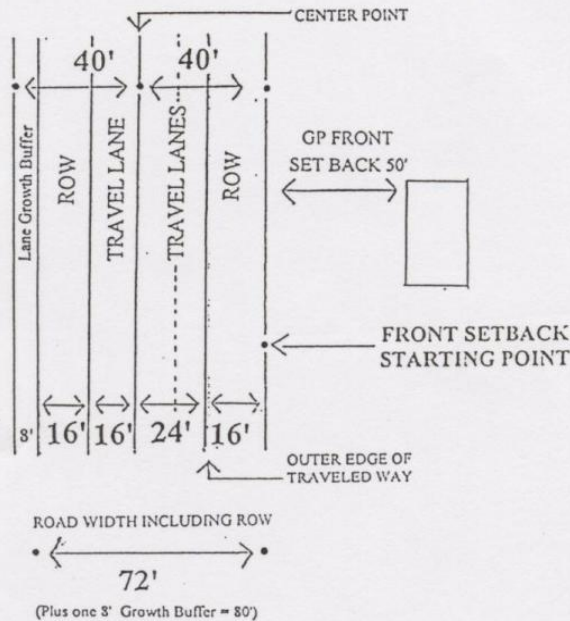
FOUR LANE CROSS SECTION*



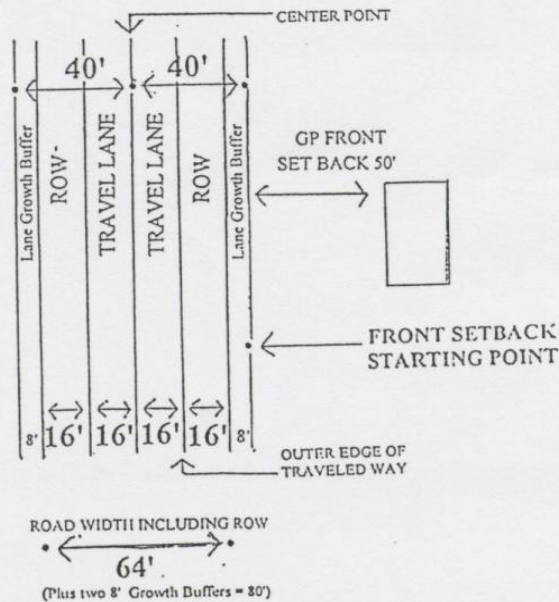
*The configurations above are provided as examples only. Other lane designs may apply.

CATEGORY 2 ROADS **FRONT SETBACK STARTING POINT DIAGRAMS** (See Front Setback Starting Point Chart, Road Classification list and Minimum Front Setbacks established in Dimensional Requirements above)

THREE LANE CROSS SECTION*

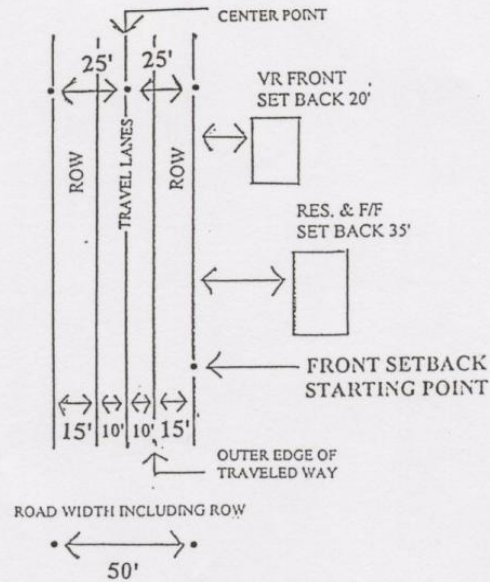


TWO LANE CROSS SECTION*

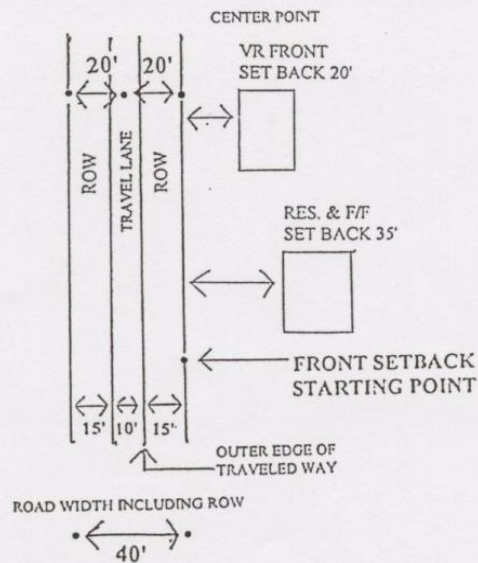


*The configurations above are provided as examples only. Other lane designs may apply.

CATEGORY 3 ROADS **FRONT SETBACK STARTING POINT DIAGRAMS** (See Front Setback Starting Point Chart, Road Classification list and Minimum Front Setbacks established in Dimensional Requirements above)



CATEGORY 4 ROADS **FRONT SETBACK STARTING POINT DIAGRAMS** (See Front Setback Starting Point Chart, Road Classification list and Minimum Front Setbacks established in Dimensional Requirements above)



The configurations above are provided as examples only. Other lane designs may apply.

11- 8.10 Non-conformance:

Non-conforming structures, lots and uses that existed before the effective date of this Ordinance or any applicable ordinance shall be allowed to continue, subject to the requirements set forth in this article. Nonconforming structures, lots and uses subject to the Town of Farmington Shoreland Zoning Ordinance and made nonconforming by the provisions of that Ordinance are governed by the provisions on nonconformance set forth in that Ordinance.

A. General:

- 1. Transfer of Ownership:** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot.

Existing permits which are strictly land use permits, including but not limited to site plan approval, zoning approval, special exceptions and variances (except certain disability variances granted pursuant to 5 M.R.S. §4553), are transferable. Existing permits which are an approval of person and place, including but not limited to liquor licenses, special amusement permits, automobile graveyard permits, automobile recycling permits and junkyard permits, are not transferable.

- 2. Repair and Maintenance:** This Ordinance shall allow, without permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure.

B. Non-conforming Structures:

- 1. Expansions:** A non-conforming structure may be added to or expanded after obtaining a permit from the Planning Board if such addition or expansion has no greater impact than the existing structure.

Further Limitations:

- a.** If any portion of a structure is less than the required setback from the property line, that portion of the structure shall not be expanded in floor area or volume, by thirty percent (30%) or more, during the lifetime of the structure.
- b.** Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided: that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified below in subsection 2, Relocation; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three (3) additional feet.

c. No structure, which is less than the required setback from the property line, shall be expanded toward the property line.

- 2. Relocation:** A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming or have any greater adverse impact than the existing location.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion and sedimentation, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

- 3. Reconstruction or Replacement:** Any non-conforming structure, which is removed, or damaged or destroyed by more than fifty percent (50%) of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within two (2) years of the date of said damage, destruction or removal. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity or have any greater adverse impact than the existing structure.

Upon application within the above two (2) year period, the Planning Board may grant an additional extension of any permit issued for such reconstruction or replacement so long as good faith progress has been demonstrated and a realistic plan for completion of construction is presented to and accepted by the Board. The Board may also require evidence of ability to complete the project in the allotted extension time, such as, but not limited to, bank letters of credit and/or written agreements with suppliers or contractors for goods and services required to complete reconstruction or replacement.

Any non-conforming structure which is damaged or destroyed by fifty percent (50%) or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Code Enforcement Officer.

- 4. Change of use of a Non-conforming Structure:** The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the subject or adjacent properties and resources than that of the existing use. The determination of no greater adverse impact shall be made according to, but not limited to, the criteria listed in subsection C3 below.

- 5. Changes mandated by federal, State, and local Laws or Regulations:** Any expansion, relocation, reconstruction or replacement of any portion of a non-conforming structure which is mandated by federal, State or local building and safety codes, including, but not limited to the Americans with Disabilities Act and State Fire Code, shall require review and approval by the Planning Board regardless of whether the required changes are to be performed at the same time as other expansions, relocations, reconstruction or replacement of the non-conforming structure. The Planning Board shall not withhold approval for the mandated changes unless the contemplated changes create a health or safety hazard which is likely to affect the occupants and/or the public.
- 6. Written documentation required for no greater adverse impact:** In determining that no greater adverse impact will occur as a result of the expansion, relocation, reconstruction or replacement, or change of use of a non-conforming structure, the Planning Board shall also require written documentation from the applicant regarding the probable effects on public health and safety, if applicable, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and functionally water-dependent uses.

C. Non-conforming Uses:

- 1. Expansions:** Expansions of non-conforming uses are prohibited, except that the non-conforming use of a residential dwelling unit may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section B1 as above.
- 2. Resumption Prohibited:** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one (1) year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one (1) year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period unless conditions outlined in B3 exist.
- 3. Change of Use:** An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The Planning Board shall require written documentation from the applicant regarding the probable effects. The determination of no greater adverse impact shall be made according to, but not limited to, the criteria listed below:
 - a.** That the proposed use is of the same character or less noxious than the current nonconforming use;
 - b.** That the proposed use will not create a traffic hazard nor increase an existing traffic hazard;

- c. That the amount of parking required to meet the minimum requirements for the use that exists on the site or will be otherwise provided in accordance with the Town of Farmington Traffic Ordinance, Site Review Ordinance, and the Off-Street Parking and Loading Performance Standard in this Ordinance;
- d. That the extent of noise, odors, vibrations, smoke, dust and air discharges of the proposed use shall be equal to or less than the present use;
- e. That the rate of surface water run-off from the site will not be increased;
- f. That the hours of operation of the proposed use will be compatible with the existing, surrounding land uses;
- g. That the proposed use will have no greater adverse impact on surrounding properties; and
- h. That the proposed use will not create adverse effects on public health and safety, erosion and sedimentation, and if applicable, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and functionally water-dependent uses.

D. Non-conforming Lots of Record:

1. **Non-conforming Lots of Record:** A non-conforming lot of record as of the effective date of this Ordinance or applicable amendment thereto may be built upon, without the need for a variance, provided that such lot is in compliance with State Minimum Lot Size Law and the State of Maine Subsurface Wastewater Disposal Rules and that all provisions of this Ordinance, except lot size and frontage, can be met. Variance relating to setbacks, or other dimensional requirements not involving lot size or frontage may only be obtained by action of the Board of Appeals.
2. **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the lots are in conformance with the State Minimum Lot Size Law and the State of Maine Subsurface Wastewater Disposal Rules.

If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot upon issuance of a written determination by the Code Enforcement Officer that each resulting lot is in compliance with the State Minimum Lot Size Law and the State of Maine Subsurface Wastewater Disposal Rules and conforms to the greatest extent possible with the dimensional requirements of this Ordinance.

11- 8.11. Performance Standards:

A. Manufactured Housing:

1. **Purpose:** It is the purpose of these performance standards to allow for and to regulate the use of manufactured housing in the Town of Farmington. Manufactured housing is important in the provision of moderate cost housing. Therefore, standards in this section are provided both to recognize the valid place of manufactured housing and to set forth necessary criteria on location and use of such housing.

It is also the purpose of the standards to establish a condition of safety that will allow the home to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of death or serious personal injury.

2. **Non-conformance:** See Article 11 – 8.10.
3. **Classifications of Manufactured Housing are defined as follows for purposes of these standards:**

Type A: A modular unit that is a new, factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. 5401 et. seq. (the National Manufactured Housing Construction and Safety Standards Act of 1974), is transportable in one (1) or more sections, and is built on a permanent chassis; but that is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purposes of delivery to a permanent site, and that does not have wheels or axles permanently attached to its body or frame.

Type B: New mobile homes certified as meeting US Department of Housing and Urban Development (HUD) Mobile Home Construction and Safety Standards, per 42 U.S.C. 3535(d).

Type C: Used mobile homes, whether or not certified as meeting HUD current or prior codes.

4. **Allowable Locations for Manufactured Housing:**
 - a. **Type A - Modular Homes:** Type A modular homes are an allowable dwelling unit type in those Zoning Districts where designated residential land uses are permitted. Such housing is subject to all standards in the Zoning Ordinance which apply to residential land uses, as well as the Subdivision Ordinance of the Town of Farmington.
 - b. **Type B - Mobile Homes:** Type B mobile homes are allowed in any mobile home development or park, or on their own individual lots in any district where allowed in the zoning Table of Uses.

c. Type C - Mobile Homes: Type C mobile homes are allowed in any mobile home development or park, or on their own individual lots in any district where allowed in the zoning Table of Uses. A Type C mobile home to be moved to a new location must meet the following standards, and this applies to units being moved within the Town or being moved into Town:

- 1) An application for approval to relocate shall be obtained from the Building Inspector prior to relocation.
- 2) Upon inspection, the Type C mobile home shall be found to be in compliance with all standards listed below under 4.E. prior to the move. After moving or relocation of the Type C mobile home, a second inspection shall be required to verify that the mobile home remains in compliance with all standards listed below under 4.E. The unit shall not be occupied until such conditions are met and a certificate of occupancy has been issued by the Building Inspector.

5. Requirements for All Manufactured Housing Units – either being moved within Farmington or being moved into Farmington:

- a. All new and used units must be installed by an installer licensed by the State in accordance with standards adopted by the State Manufactured Housing Board on March 1, 1993 or the most recent version thereof.
- b. All new units must meet construction and safety standards for manufactured homes adopted by the State Manufactured Housing Board in October 1991 or the most recent version thereof.
- c. All new units must meet the rules for State certification of manufactured housing adopted by the State Manufactured Housing Board on April 1, 1991, or the most recent version thereof.
- d. All new and used units must meet any applicable building code adopted by the Town of Farmington subsequent to the adoption of this section.
- e. All used units must meet the following minimum standards:
 - 1) Chapter 21 of the NFPA 101 Life-Safety Code, 1997 Edition.
 - 2) HUD Section 8 Standards – the most recent version available at the time of adoption of this section.
 - 3) Exterior Siding:

Exterior wall coverings shall be of moisture and weather resistant materials to resist wind, snow and rain, and shall be residential in appearance.

4) Insulation:

The minimum requirements for a home shall be as follows:

- a) Walls – R-11 b) Roof – R-14 c) Floor – R-11**

5) Plumbing:

The Town's Licensed Plumbing Inspector (LPI) shall inspect and verify that the following conditions are met:

- a)** The plumbing is of a durable material, free from defective workmanship that would cause a safety hazard.
- b)** All plumbing, fixtures, drains, appurtenances, and appliances designed or used to receive or discharge liquid waste or sewage are connected to the drain system in a manner that is consistent with the State Plumbing Code.
- c)** All piping and fixtures subject to freezing temperatures shall be insulated or protected with UL approved heat tape to prevent freezing under normal occupancy.
- d)** All dishwashing machines shall not be directly connected to any waste piping, but shall discharge its waste through a fixed air gap above the machine.
- e)** Clothes washing machines shall drain either into a properly vented trap, into a laundry tub tailpiece with watertight connections, into an open standpipe receptor, or over the rim of a laundry tub.
- f)** Toilets shall be designed and manufactured according to approved or listed standards and shall be equipped with a water flushing device capable of adequately flushing and cleaning the bowl, aid device to be adjusted to use a minimum quantity of water consistent with proper performance and cleaning.
- g)** Each shower stall shall be provided with an approved watertight receptor with sides and back at least 1 inch above the finished dam or threshold.
- h)** Water supply pumping systems shall be sized to provide an adequate amount of water to each plumbing fixture at a flow rate sufficient to keep the fixture in a clean and sanitary condition without any danger of backflow or siphonage.
- i)** Each home shall be equipped with a kitchen sink and bathtub and/or shower and be provided with a hot water supply system including a listed water heater.

- j) No part of a water system shall be connected to any drainage or vent piping.
- k) Any new copper plumbing shall be lead free with solder and flux containing not more than 0.2% percent lead and pipes and pipe fittings containing not more than 8.0% percent lead.

6) Heating and Fuel Burning Systems:

- a) Heating and fuel systems must meet NFPA-31 (Installation of Oil Burning Equipment). A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system is in a safe condition and meets the requirements of NFPA-31.
- b) Heat-producing appliances and vents, roof jacks and chimneys necessary for installation in manufactured homes shall be listed or certified by a nationally recognized testing agency for use in manufactured home.

7) Electrical System:

A person holding a master license issued by the State of Maine Electrician's Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical Code.

8) Light and Ventilation:

Each habitable room shall be provided with exterior windows and/or doors having a total glazed area of not less than eight percent (8%) of the gross floor area.

Each bathroom and toilet compartment shall be provided with artificial light and, in addition, be provided with external windows or doors having not less than one and one-half (1 ½) square feet of fully operable glazed area, except where a mechanical ventilation system is provided capable of producing a change of air every twelve (12) minutes. Any mechanical ventilation system shall exhaust directly to the outside of the home.

9) Ceiling Height:

Every habitable room shall have a minimum ceiling height of six (6) feet and six (6) inches.

10) Exit Facilities – Exterior Doors:

Home shall have a minimum of two exterior doors located remote from each other:

- a) Required egress doors shall not be located where a lockable interior door must be used in order to exit.
- b) Doors may not be less than twelve (12) feet from each other as measured in any straight line direction regardless of the length of the travel between doors.
- c) One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than thirty-five (35) feet.
- d) All exterior swinging doors shall provide a minimum twenty-eight (28) inches wide by seventy-four (74) inches high clear opening. All exterior sliding glass doors shall provide a minimum twenty-eight (28) inches wide by seventy-two (72) inches high clear opening. Locks shall not require the use of a key for operation from the inside.

11) Exit Facilities – Egress Windows and Devices:

Homes shall have the following second means of escape or alternate emergency egress facilities:

- a) Every room designed expressly for sleeping purposes, unless it has an exterior exit door, shall have at least one outside window operable from the inside without the use of tools and providing a clear opening of not less than twenty (20) inches in width, twenty-four (24) inches in height and 5.7 square feet in area. The bottom of the opening shall not be more than thirty-six (36) inches off the floor.
- b) Locks, latches, operating handles, tabs and any other window, screen or storm or storm window devices, which need to be operated in order to permit exiting, shall not be located in excess of fifty-four (54) inches from the finished floor.

12) Interior Doors:

Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking devices on the inside.

13) Room Requirements:

Every home shall have sufficient space and functional arrangements to accommodate the normal activities of living in a manufactured home.

- a) Every home shall have a least one common area with no less than one hundred fifty (150) square feet of gross floor area.
- b) All bedrooms shall have at least fifty (50) square feet of floor area.

- c) Bedrooms designed for two or more people shall have seventy (70) square feet of floor area plus fifty (50) square feet for each person in excess of two (2).
- d) Every room designed for sleeping purposes shall have accessible clothes hanging space with a minimum inside depth of twenty-two (22) inches and shall be equipped with rod and shelf. Each such room shall have an operable door with a latch to separate the room from the common area.
- e) Each toilet compartment shall have a minimum of twenty-one (21) inches of clear space in front of each toilet.
- f) Hallways shall have a minimum horizontal dimension of twenty-eight (28) inches measured from interior finished surface to the opposite finished surface. Minor protrusions by doorknobs, trim, smoke detectors or light fixtures are permitted.

14) Fire Detection Equipment:

All manufactured homes, regardless of the date of manufacture, shall meet the following requirements:

At least one smoke detector (which may be a single station or alarm device) shall be installed in the home in the following locations:

- a) A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door unless a door separates the living area from that bedroom area, in which case the smoke detector shall be installed on the living area side as close to the door as practical. Homes having bedroom area separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one smoke detector protecting each bedroom area.
- b) When located in hallways, the smoke detector shall be between the return air intake and the living area.
- c) The smoke detector shall not be placed in a location which impairs its effectiveness.
- d) Smoke detectors shall be labeled as conforming to the requirements or Underwriters Laboratory Standards No. 217, Third Edition, 1985, as amended through October 8, 1985, for single and multiple station smoke detectors.
- e) Each smoke detector shall be installed in accordance with its listing on a wall or ceiling. If installed on a wall, the top of a smoke detector shall be located four (4) inches to twelve (12) inches below the ceiling. However,

when a smoke detector is mounted on an interior wall below a sloping ceiling, it shall be located four (4) inches to twelve (12) inches below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceiling).

Rental units only: The required smoke detector(s) shall be attached to an electrical outlet box and the smoke detector connected by permanent wiring method into a general electrical circuit. There shall be no switches in the circuit to the smoke detector between the over-current protection device protecting the branch circuit and the smoke detector.

The smoke detector shall not be placed on any circuit protected by a ground fault circuit interrupter.

15) Kitchen Cabinet Protectors:

All manufactured homes, regardless of the date of manufacture, will meet the following requirements:

- a) The bottom and sides of combustible kitchen cabinets over cooking ranges to a horizontal distance of six (6) inches from the outside edge of the cooking range shall be protected with at least 5/16-inch thick gypsum board or equivalent limited combustible material.

One-inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cooktops shall be protected by a metal hood with not less than a three (3) inch eyebrow projecting horizontally from the front cabinet face. The 5/16th inch thick gypsum board or equivalent material which is above the top of the hood may be supported by the hood. A 3/8th inch enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.

- b) The metal hood will not be required if there is an oven installed between the cabinet and the range.
- c) Ranges shall have a vertical clearance above the cooking top of not less than twenty-four (24) inches to the bottom of combustible cabinets.

16) Roof/Wind Loads:

All homes with a roof added after construction must be inspected by a registered professional engineer to determine that the home can withstand a 30 #/SF roof load and a 15 #/SF wind load.

B. Home Occupation:

1. **Purpose:** It is the purpose of these performance standards to allow for and to regulate the establishment of a home occupation in a residential neighborhood. It is also the intent in this section to regulate the operation of a home occupation so that residential neighbors will not be adversely impacted by its existence.
2. **Non-conformance:** See Article 11-8.10.
3. **Standards:** A home occupation is allowable as an accessory use in a bona fide dwelling unit in any zone. All provisions of the Zoning Ordinance pertaining to the applicable zone shall be met. In addition, all of the following standards shall apply:
 - a. The appearance of the structure or accessory structure may not be altered, except as provided under subsection B, below. The occupation within the residence must be conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights, sounds or odors;
 - b. Additions to the residence or accessory structure for the express purpose of a home occupation shall be constructed and finished such that the character and appearance of the principal structure is maintained;
 - c. There must be adequate off-street parking on the premises for customers' or clients' use. The total number of vehicles including the vehicles associated with the dwelling must continue to give an appearance in keeping with the character of the zone;
 - d. For home occupations located in residential or village district zones, the home occupation shall not generate vehicular traffic in greater volume than would normally be expected in those zones;
 - e. The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes or electro-magnetic disturbance. All waste material from the home occupation shall be removed promptly from the premises, according to State laws and local ordinances; and
 - f. There shall be no exterior storage or display of materials or products related to the home occupation, no display of products visible and in any manner from the outside of the dwelling nor any visible evidence of the conduct of a home occupation except for signage which shall comply with the Town of Farmington Sign Ordinance.

C. Extractive Industry:

1. **Purpose:** It is the purpose of these performance standards to allow for and regulate the commercial extraction of certain natural materials within the Town of

Farmington. These materials are utilized in many land use activities and these standards are established for the general benefit, safety and welfare of the public.

2. Non-conformance: See Article 11-8.10.

3. Permit required: Topsoil, soil, loam, rock, sand, gravel, clay, silt, mineral deposits or fill and similar earth materials may be removed from locations where permitted under the Zoning Ordinance Table of Uses, and site plan review for such operations is required from the Planning Board except as exempted below.

4. Extraction not requiring site plan review:

a. The following extraction activities shall be allowed without a site plan review from the Planning Board:

- 1)** The removal or transfer of less than fifty (50) cubic yards of material from or onto any lot in any twelve (12) month period.
- 2)** The removal or transfer of material on site incidental to construction, alteration or repair of a building or in the grading and landscaping incidental thereto.
- 3)** The removal or transfer of material on site incidental to construction, alteration or repair of a public or private way or essential service.
- 4)** Extraction activities requiring review and approval under the Town's Shoreland Zoning Ordinance.
- 5)** Extraction activities requiring review and approval by the Maine Department of Environmental Protection under the Natural Resource Protection Act.

b. All other extraction, processing and storage shall require site plan review from the Planning Board.

5. Application Procedure:

- a.** Applications to the Planning Board for a site plan review for the excavation, screening, removal or storage of topsoil, soil, loam, rock, sand, gravel, clay, silt, mineral deposits or fill and similar earth materials shall be accompanied by a plan conforming to performance standards herein and in compliance with applicable State laws and accompanied by all required State permits or licenses.
- b.** The applicant shall submit a site review permit application to the Planning Board on a form provided by the Code Enforcement Office and all applicable requirements and standards of the Site Review Ordinance shall apply. A fifty (\$50.00) application filing fee shall be submitted with the completed application.

- c. Submitted plans of the proposed extraction site shall show the property lines and names of abutting owners and ways, indicating by not greater than five-foot contour intervals, related to United States Geodetic Survey date, the location and slope of the grades, existing and as proposed upon completion of the extraction operation; and detailing proposed fencing, buffer strips, signs, lighting, parking and loading areas, entrances and exits; together with a written statement of the proposed method, regularity, working hours and total proposed rehabilitation and restoration of the site upon completion of the operation.

6. General Requirements:

- a. No part of any extraction operation shall be permitted within seventy-five (75) feet of any property or street line or within one hundred and fifty (150) of any established dwelling, except that drainage ways to reduce runoff into or from the extraction area may be allowed up to one hundred (100) feet of such line. Natural vegetation shall be left and maintained on the undisturbed land. (Note: Exception to this allowed if and only if an abutter's release form is executed and recorded in the Franklin County Registry of Deeds).
- b. No slopes steeper than two horizontal to one vertical (2:1) shall be permitted at any extraction site.
- c. Any topsoil and subsoil suitable for purposes of re-vegetation shall, to the extent required for restoration, be stripped from the location of extraction operations and stockpiled for use in restoring the location after extraction operations have ceased. Such stockpiles shall be protected from erosion, according to the erosion prevention performance standards of this section.
- d. Sediment shall be trapped by diversions, silting basins, terraces and other appropriate measures.
- e. The sides and bottom of cuts, fills, channels, and artificial watercourses shall be constructed and stabilized to prevent erosion or failure. All such structures are to be designed and built according to the Maine Erosion and Sediment Control Handbook on Construction – Best Management Practices (BMP's).
- f. The hours of operation at any extraction site may be limited as the Planning Board deems advisable to ensure operational compatibility with residents of the Town.
- g. Where loads may be prone to blowing or spills, loaded vehicles shall comply with State law regarding covered loads.
- h. All access/egress roads leading to/from the extraction site to public ways shall be treated with suitable materials to reduce dust and mud.
- i. No equipment debris, junk or other material shall be permitted on an extraction site except those directly related to active extraction operations, and any temporary shelters or buildings erected for such operations and equipment used

in connection therewith shall be removed within thirty (30) days following completion of active extraction operations.

- j. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and maintained in good condition.
 - k. Within twelve (12) months following the completion of extraction operations at any extraction site (or any one (1) or more locations within any extraction site), which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the approved plans filed with the Planning Board so that:
 - 1) All debris, stumps, and similar on-site organic materials shall be removed and disposed of in an approved location. Only inorganic natural on-site materials (boulders, etc.) may be buried (cover with a minimum of two (2) feet of soil).
 - 2) The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.
 - 3) Storm drainage and watercourses shall leave the location at the original natural drainage points and in a manner such that the amount of drainage at any point is not significantly increased.
 - 4) The final slope shall be two horizontal to one vertical (2:1) slope or flatter. Sufficient topsoil or loam shall be retained or obtained to cover all disturbed areas, which shall be re-seeded and properly restored to a stable condition adequate to meet the provisions of the Maine Erosion and Sediment Control Handbook on Construction – Best Management Practices (BMP's).
7. **Permit approval:** All plans and supporting material shall be submitted with respect to the above standards and the standards and requirements in the Town's Site Review Ordinance in order for an application to be considered for permit approval.

D. Off-Street Parking and Loading:

- 1. **Purpose:** It is the purpose of this section to require that off-street parking areas are provided for all new uses of land so that all uses will have adequate parking for the occupants, employees, visitors, customers, and/or patrons and they will not have to rely on the public rights-of-way for this function. Off-street loading areas are required for all uses (except residential) to provide adequate space off the Town's right-of-way for the temporary parking of motor vehicles (primarily trucks) while loading or unloading.
- 2. **Non-conformance:** See Article 11–8.10.

3. General Requirement: No building or structure in any district shall be subdivided, erected or enlarged, nor shall any building, structure or land be used, designed or arranged for any purpose without provisions for such off- street parking and/or loading facilities as required by this Ordinance nor shall any off-street parking or loading area, whether required by the this Ordinance or voluntarily provided, be developed other than in the manner set forth in this Ordinance.

- a. For the purpose of these standards, one hundred sixty-two (162) square feet of area, shall be deemed a parking space for one (1) vehicle. The minimum dimensions for each parking space shall be nine (9) feet wide by eighteen (18) feet long. The maximum permitted dimensions for each parking space (except for designated handicapped spaces) shall be ten (10) feet wide by twenty (20) feet long. In no case shall any off-street parking space be allowed to back out directly onto any public right-of-way.
- b. The access aisles within any off-street parking area shall be a minimum of twenty-four (24) feet wide.
- c. All parking spaces and access driveway shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area. No surface water from any parking area shall be permitted to drain onto adjoining property.
- d. Required loading spaces shall not be construed as supplying off-street parking space.

4. Timing of the Provision of Required Off-Street Parking and Off-Street Loading Spaces: Off-street parking and loading spaces shall be provided at the time any use of land is established; or at the time any building, structure, or land is altered or enlarged in any manner to increase the amount off-street parking or loading spaces as required by this Ordinance. However, when the use of any building or land existing at the time of adoption of this Ordinance is changed to a use in which the parking requirements are calculated differently from the method of calculation for the former use, only such additional parking as may result by reason of the different calculation need be provided for the changed use.

5. Requirement to Retain Off-Street Parking and Loading Space: The requirements for off-street parking and loading shall be a continuing obligation of the owner or any assignee of the real estate on which any use is located as long as the use continues, and is a use that requires off-street parking or loading. It shall be unlawful for an owner of any building or land use activity affected by the off-street parking and loading requirements to discontinue, change, reduce or dispense with, or cause the discontinuance, change, or reduction of the required off-street parking or loading space. It shall be unlawful for any individual, firm, or corporation to use such building or land without acquiring such area as is required and permitted to fulfill the off-street parking and loading requirements.

6. Permitted Reduction in Off-Street Parking Requirements: Off-street parking space required under these standards may be reduced at the time the capacity or

use of a building is changed in such a manner that the new use or capacity would require less space than before the change. Such reduction may not be below the requirements set forth in these standards.

- 7. Location of Off-Street Parking and Loading Areas:** The required off-street parking and loading areas shall be located on the same lot or parcel of land they are intended to serve, except as provided in subsection 10 below.
- 8. Limitations on Vehicular Storage:** Except as otherwise provided in this Section, off-street parking spaces required herein may be occupied by the occupants, employees, or patrons of the property or by visitors, or by delivery vehicles incidental to the principal use, but not by vehicles being repaired, stored or displayed for sale or hire.
- 9. Determination of Seating Capacity at Places of Assembly:** In stadiums, sport arenas, houses of worship and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty (20) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining requirements for off-street parking facilities.
- 10. Collective Off-Street Parking Provisions:** Nothing in these standards shall be construed to prevent the collective provision of off-street parking facilities for two (2) or more structures or uses, provided that the total of such off-street parking spaces supplied collectively shall not be less than the sum of the requirements for the various uses computed separately; provided also that the requirements set forth hereinbefore as to maximum distances between parking facilities and principal structures or uses served shall apply to each structure or use participating in the collective provisions for parking.
- 11. Development and Maintenance of Off-Street Parking Areas:** For every parcel subject to these requirements, off-street parking shall be developed and maintained by the owner in accordance with the following requirements:
 - a. Minimum Distances and Setbacks:** No part of any parking area, for five (5) or more vehicles, shall be closer than ten (10) feet to any dwelling, school, hospital, or other institution for human care. If on the same lot with a principal structure, the parking area shall not be located within the front yard or side yard setback area required for such structure.
 - b. Bumper Guard and/or Bollard Requirements:** There shall be provided a bumper guard and/or bollard of either wood, metal or concrete not more than two (2) feet in height and securely anchored into the ground on all sides of the parking area where there is required a protective fence or wall. Any required bumper guard and/or bollard shall be located at such distance so that automobiles will not strike the protective fence or wall. As an alternative, a concrete beam serving the same purpose may be provided.
 - c. Off-Street Parking Area and Driveway Surfacing Requirements:**

- 1) The Planning Board (or CEO when applicable) shall determine off-street parking area and driveway surfacing requirements on a case-by-case basis. Factors such as, but not limited to, location, topography of the site, drainage issues, extent of use, and soil stability shall be evaluated when making this determination. Cross sections and profiles of the site may be required.
 - 2) When it has been determined that area surfacing is required, the off-street parking area or driveway shall be surfaced with an asphaltic, bituminous, cement, or other properly bound pavement, or a combination of stone or brick pavers so as to provide a durable and dustless surface, and shall be graded and drained so that no surface water will accumulate within the off-street parking or driveway area.
- d. Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises used for residential purposes in any district.
- e. Entrance, Exit, and Maneuvering Space: Vehicular drives providing entrance and exit to the street system from the off-street parking area shall have a minimum width of twelve (12) feet or a greater width specified by the Planning Board if project is subject to site review. This requirement shall not apply to single family detached residences. The width of high-volume entrances is determined by the Access Management Performance Standards. The radii on the sides of the driveway exposed to entry or exit shall be a minimum of seventeen (17) feet. Maneuvering areas shall be sufficient to permit vehicles to enter and leave the parking lot in a forward motion except for single family detached dwelling units.
- f. Other Design Requirements:
- 1) Off-street parking areas for all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing up unreasonable distances, or making other dangerous or hazardous turning movements.
 - 2) Circulation areas for off-street parking lots shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles, and without adversely interfering with the normal functioning of the parking lot.
 - 3) The parking spaces shall be appropriately demarcated with painted lines or other markings.
 - 4) Off-street parking areas shall be properly maintained in all respects and kept in good condition.
 - 5) Handicapped parking spaces shall be provided in accordance with federal and State laws.

- 6) No speed bumps shall be installed within one hundred (100) feet of the point of access from the off-street parking lot to the street.

12. Plan Requirement: A plan shall be submitted to the Planning Board with every site review or subdivision application for any building or use that is required to provide off-street parking and loading. The plan shall accurately depict the required number and location of parking spaces, other spaces in designated for trash collection, off-street loading spaces (if required), the distance of the off-street parking facilities to the structure or uses they are intended to serve, as well as the relationship of the parking lot to the street system into which the motor vehicles utilizing the parking areas will discharge.

13. Minimum Required Off-Street Parking Spaces: The minimum number of required off-street parking spaces are specified in Section 16 "Off Street Parking Requirements", below. Requirements for any use not specifically mentioned shall be the same as the most similar to the one sought. When units of measurement determining the required off-street parking spaces result in a fractional space, then such fraction equal to or greater than one-half (1/2) shall be interpreted as one (1) off-street parking space.

14. Off-Street Loading Space Requirements:

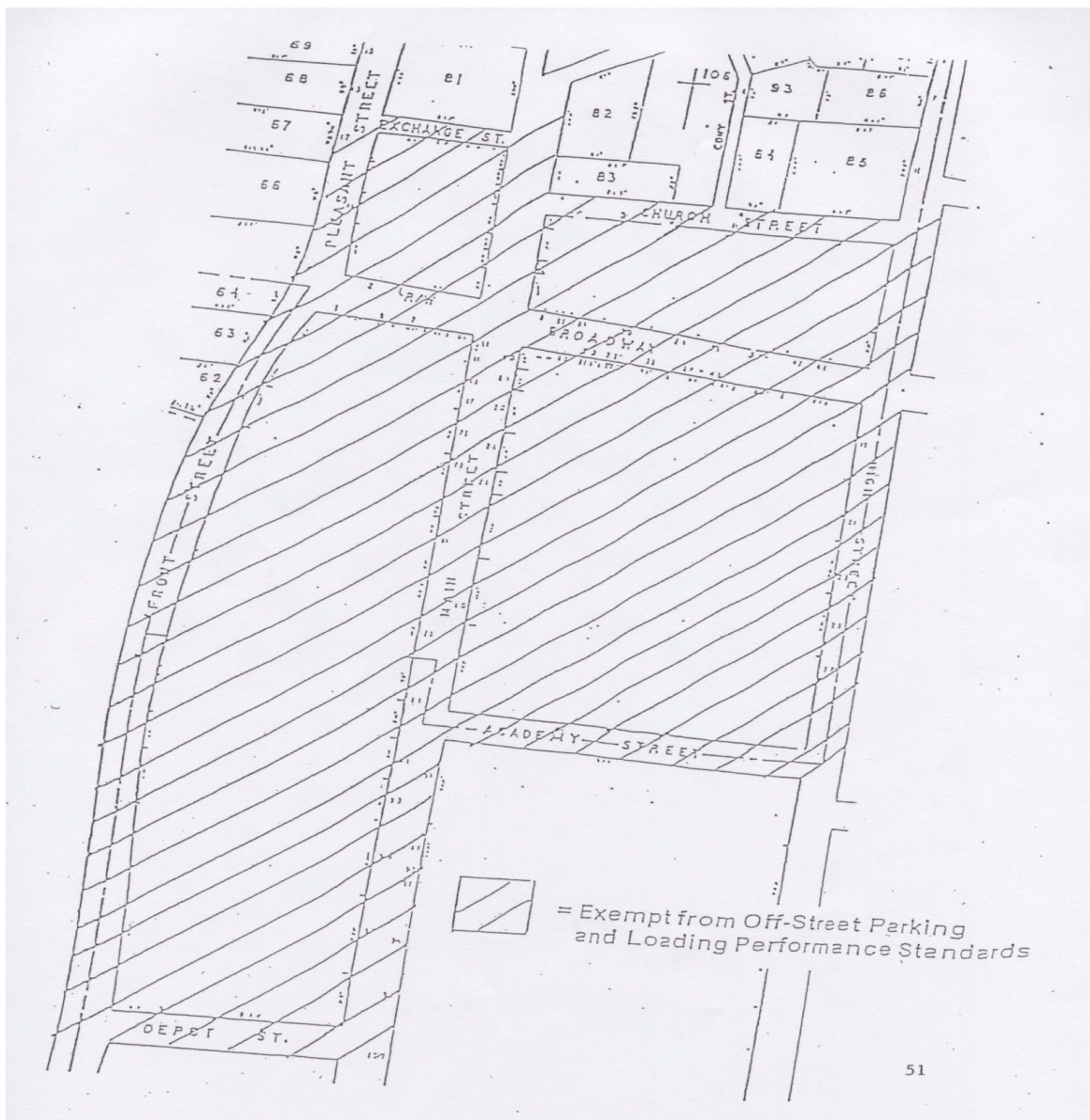
- a. On the same premises with every building, structure or part thereof erected and occupied for manufacturing, storage, warehousing, goods display, department store, wholesale store, retail sales outlet, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt and distribution of vehicles, materials, or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading and unloading services to avoid interference with the public use of the streets and alleys.

Each such loading and unloading space shall be an area at least twelve (12) by fifty (50) feet within a fifteen (15) foot height clearance, and shall be provided as specified below for gross non-residential (motel rooms shall be defined as residential floor area for the purpose of this requirement) floor area, except that:

- 1) No spaces are required for structures with less than ten thousand (10,000) square feet of gross floor area, or less;
- 2) One (1) space is required for structures with more than ten thousand (10,000) but less than twenty thousand (20,000) square feet or increment thereof;
- 3) Additional off-street loading spaces shall be provided at a rate of one (1) space for each additional twenty thousand (20,000) square feet or major fraction thereof; and
- 4) No more than seven (7) loading spaces shall be required, except for warehouse and industrial buildings.

- b. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from the roadway serving the property, and the loading/unloading operations can be completed without obstructing or interfering with any roadway traffic or any off-street parking space or parking lot aisle.
- c. No area allocated to loading/unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for off-street loading/unloading facilities.

15. Exempt Areas: This Ordinance shall not apply to the exempt areas bordered by the Streets of High, Church, Broadway, Academy, Main, Exchange, Pleasant, Depot, and Front. (See map below).



16. Off-Street Parking Requirements:

a. Residential Development:

- 1)** Single Family Dwelling - two (2) spaces per dwelling unit.
- 2)** Two-Family Dwelling - two (2) spaces per dwelling unit, except that one bedroom units shall require one (1) space per unit.
- 3)** Attached Housing – two (2) spaces per dwelling unit, except that one bedroom units shall require 1 space per unit.
- 4)** Multiple-Family Dwelling - one (1) space per one bedroom unit, or two (2) spaces for each two (2) to four (4) bedroom unit.
- 5)** Residential Facilities – three (3) spaces for each five (5) beds, except for uses exclusively serving children under sixteen (16) years of age, in which case one (1) space for every three (3) beds shall be required.
- 6)** Boarding/Rooming Houses – one (1) space per bedroom.
- 7)** Dormitories – one (1) space for each four (4) beds.

b. Motels/Hotels and Similar Uses Providing Overnight Accommodation:

- 1)** One space for each room available for rent, plus one (1) space for each two (2) employees working at any one time.

c. Retail Commercial Establishment:

- 1)** Convenience Stores – one (1) space per two hundred (200) square feet of gross floor Area.
- 2)** Grocery Stores/Super Market Drug Store/General Merchandise – one (1) space per two hundred fifty (250) square feet of gross floor area (Amended 6-12-01).
- 3)** Other Retail Sales Establishment - one (1) space per two hundred fifty (250) square feet of gross floor area (Amended 6-12-01).
- 4)** Eating and Drinking Places (no Drive-In or Fast Food) – one (1) space per two hundred (200) square feet of gross floor area.
- 5)** Drive In or Fast Food Restaurant - one (1) space per two hundred fifty (250) square feet of gross floor area.
- 6)** Auto Service Station – one (1) space per two hundred (200) square feet of gross floor area, plus sufficient space to accommodate vehicles at pumps without interfering with other parking spaces.

- 7) Auto Repair/Maintenance/Tire Replacement – one (1) space per two hundred (200) square feet of gross floor area.
- 8) Auto Sales (Display/Showroom Area Only) – one (1) space per one thousand (1,000) square feet of gross floor area.

d. Business/Professional Offices/Banks:

- 1) One (1) space per two hundred (200) square feet of gross floor area.

e. Educational Facilities:

- 1) Pre-Schools/Day Care – one (1) space per classroom, plus one (1) space for each ten (10) students (based on the rated capacity of the facility).
- 2) Primary and Middle Schools – one and three quarters (1.75) spaces per classroom, plus one (1) space for each eight (8) students (based on the rated capacity of the facility).
- 3) Secondary Schools – five (5) spaces per classroom, plus one (1) space for each (5) students (based on the rated capacity of the facility).
- 4) Colleges/Universities – one (1) space per one hundred fifty (150) square feet of schools gross floor area Business/Trade/Vocational – one (1) space per two hundred (200) square feet of schools gross floor area.

f. Public and Institutional Facilities:

- 1) Hospitals – one (1) space per bed, or one (1) space per two hundred fifty (250) square feet of gross floor area, whichever is greater.
- 2) Nursing, Resting, Convalescent Homes – one (1) space for every one (1) bed.
- 3) Penal/Correctional Facilities - one (1) space for every four (4) inmates, based on the rated capacity of the facility.
- 4) Post Offices - one (1) space per fifty (50) square feet of gross floor area.
- 5) Government Offices/Court – one (1) space per two hundred fifty (250) square feet of gross floor area.
- 6) Public Safety Facilities - one (1) space per two hundred (200) square feet of gross floor area.
- 7) Houses of Worship/Places of Assembly – one (1) space for every four (4) seats (fixed), one (1) space for each one hundred (100) square feet gross floor area (non-fixed).
- 8) Libraries - one (1) space per five hundred (500) square feet of gross floor area.

g. Recreational Facilities:

- 1) Parks, Trails, and Conservation Areas** - The Planning Board shall determine the parking space requirements on a case-by-case basis. Factors such as, but not limited to, planned use of property, size of property in relation to intended use, and specific use restrictions and limitations imposed upon a given property shall be evaluated when making this determination.
- 2) Recreational Areas** – one (1) space per five thousand (5,000) square feet of land area, plus one (1) bus parking space for any facility over two (2) acres that contains active recreation elements including public swimming pools, ball fields, basketball courts and play equipment.
- 3) Golf Course** – four (4) spaces per hole, plus one (1) space for each two hundred (200) square feet for office/lobby/pro-shop/health club/clubhouse/lounge/snack bar/dining/meeting room areas, and fifty percent (50%) of maximum occupancy for exterior recreation uses including swimming pools, golf driving ranges, and tennis courts.
- 4) Sports Stadiums** - one (1) space for every three (3) seats, plus ten (10) bus parking spaces.

h. Other Facilities/Development:

- 1) Veterinarians/Kennels/Animal Hospitals** – one (1) space per three hundred (300) square feet of gross floor area.
- 2) Health Care Facilities** – one (1) spaces for each two hundred (200) square feet of gross floor area.
- 3) Museums/Art Galleries** – one (1) space for each three hundred (300) square feet of floor area open to the general public.
- 4) Dry Cleaners/Laundromat** – one (1) space per two hundred (200) square feet of gross floor area.
- 5) Manufacturing/Assembling/Fabrication Operation** – one (1) space for every two (2) employees on maximum shift, or one (1) space per four hundred (400) square feet of gross floor area, whichever is greater.
- 6) Greenhouse/Nursery Operations** – one (1) space per one thousand (1,000) square feet of lot area used for storage, display, or sales, plus one (1) space per four hundred (400) square feet of gross floor area.
- 7) Warehousing/Storage/Wholesale** – one (1) space for every two (2) employees on maximum shift, but not less than one (1) space per two thousand (2,000) square feet of gross floor area.

17. Planning Board Review:

- a. Applicable only to projects and properties that have previously received Site Review by the Planning Board and have previously developed parking according to the performance standards herein as part of Site Review approval(s):
 - 1) In conducting Site Review of subsequent expansions of such projects or additional development of such properties, the Planning Board may determine that a lesser number of parking spaces is warranted rather than that nominally required under the parking performance standards, based on existing sufficiency (or oversupply) of parking, alternative parking options, or other mitigating factors for subject property or project.

E. Landscaping:

Districts: General Purpose, Residential/Light Commercial, Farm and Forest

1. **Purpose:** It is the purpose of these performance standards to improve the appearance of certain set-back and yard areas, including off-street parking and open-lot sales and service areas and to protect and preserve the appearance, character, and value of the surrounding neighborhoods; and to thereby promote the general welfare by providing for installation and maintenance of landscaping for screening and aesthetic qualities, since the Town of Farmington finds that the characteristics and qualities of Farmington justify such requirements to perpetuate its aesthetic appeal.
2. **Non-conformance:** See Article 11-8.10.
3. **Landscaping Requirements for Certain Commercial Yard Areas and Off-Street Parking and Other Vehicular Use Areas:** These standards apply to all commercial areas used for the display or parking of any and all types of vehicles, boats, or heavy construction equipment, whether such vehicles, boats, or equipment are self-propelled or not; and all land upon which vehicles traverse the property as a function of the primary use (drive-thru), including but not limited to activities of a drive-in nature, such as gasoline filling and/or service stations, grocery stores, banks, restaurants, and the like. The development of these and other commercial activities shall conform to the minimum landscaping requirements hereinafter provided.

While it is the intention of these performance standards to encourage appropriate landscaping on all developed parcels, these performance standards are not mandatory for parcels which engage in the following for their primary activities: Agriculture, Agricultural Management, Agricultural Products Processing, Animal Breeding and/or Care, Churches or Synagogues, except that any retail or wholesale business on such property which offers for sale any products not produced or manufactured through the activities conducted on the parcel or other property under the same ownership within the Town of Farmington, shall be subject to these performance standards.

a. Installation: All landscaping shall be installed in a sound, professional manner with the quality of plant materials as hereinafter described. All elements of landscaping shall be installed so as to meet all other applicable code requirements.

b. Maintenance: The owner, tenant, and/or manager or agent of any property that is required to be developed in accordance with these standards shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance, and shall be kept free from refuse and debris. Dead or diseased plants shall be replaced as soon as climatically possible with plants which meet the minimum size requirements established herein.

c. Plant Material:

1) Quality: Plant materials used in conformance with the provisions of these standards shall be in good condition at the time of planting. All plant materials shall be examined yearly from the date of their installation and any ground cover, shrubs, or trees found to be in less than acceptable condition by the Code Enforcement Officer shall be replaced by the owner, developer, or their agent. Plants used in landscape design pursuant to this section shall, to the greatest extent possible be:

a) Appropriate to the conditions/climate in which they are to be planted;

b) Have non-invasive growth habits;

c) Encourage low maintenance, high quality design;

d) If landscaping is utilized for screening of mechanical or electrical equipment, or service areas including those which contain such items as trash dumpsters and propane tanks, vegetation used shall be equally effective at all times of the year, but should not be planted in such a way as to obstruct or inhibit emergency access;

e) Landscaping shall be designed so that it will not obstruct sightlines necessary for the safe vehicular and pedestrian circulation, and will not interfere with public utilities;

f) Landscaping plans shall consider the full growth of the vegetation;

g) Parking lots shall contain plantings and walkways that help direct pedestrians safely and comfortably to their destinations;

h) All landscaped areas must incorporate use of ground cover. Use of vegetative ground cover is expected and use of gravel, rock, or bark, may be allowed if determined appropriate based upon the proposed landscape theme, and present a finished appearance; and

i) Be otherwise consistent with the intent of these standards.

2) Trees: Deciduous trees shall be a minimum of nine (9) feet measured from the top of the root collar at the time of planting. Evergreen trees shall be a minimum of six (6) feet measured from the top of the root collar at the time of planting. Dwarf trees or unique specimens or species are exempted from this requirement when used as accents. Trees of species whose roots are known to cause damage to roadways and other public works shall not be planted closer than twelve (12) feet to any roadway, water line or sewer line.

a) Tree Species Mix: When more than ten (10) trees are required to be planted, a mix of species shall be provided. The number of species to be planted shall vary according to the total number of trees required. The minimum number of species to be planted are indicated in the following Table. Species shall be planted in proportion to the required mix.

Required Species Mix for New Site Development

| <i>Required Number of Trees</i> | <i>Minimum of Species</i> |
|---------------------------------|---------------------------|
| 11 – 20 | 2 |
| 21 – 30 | 3 |
| 31 – 40 | 4 |
| 41 or more | 5 |

(1) Shrubs: Shrubs shall be a minimum of twelve to eighteen (12–18) inches in height when measured at the time of planting.

(2) Ground Covers: Ground covers used in lieu of grass shall be planted in such a manner as to present a finished appearance.

(3) Lawn Grass: Grass areas shall be planted in species normally grown as permanent lawns. Grass areas may be sodded, plugged, or seeded, except that solid sod, hydro-seeding or commercially available erosion control methods shall be used in areas subject to erosion. Lawn grass should be kept regularly mowed during the summer growing season.

(4) Prohibition of Pre-Cleared Lots: Clearing land of trees, vegetation, and/or soil prior to submission of a Site Review Application is prohibited. (See Town of Farmington Site Review Ordinance, and Soil Erosion Control and Storm Water Management Ordinance).

d. Landscaping Design Standards:

The following standards shall be considered the minimum requirements for the installation of all plant materials in the Town of Farmington.

1) Minimum Tree and Shrub Planting or Preservation Requirements:

- a)** General: Trees shall not be placed so as to interfere with site drainage, or where they shall require frequent pruning to avoid interference with overhead power and utility lines. Unless otherwise provided in these standards, a minimum number of trees shall be planted or preserved on each site, as follows:
- b)** One (1) tree shall be planted or preserved for every two thousand (2,000) square feet of lot area or fraction thereof. Square footage shall include the total area of the tax parcel to be developed minus the square footage of the cumulative area of all existing buildings and any permanent buildings to be constructed within one (1) year following the landscaping.
- c)** Trees required to be planted or preserved by these standards may be used to satisfy requirements of other sections of this Ordinance including interior parking or other vehicular use areas, perimeter of parking or other vehicular use areas, and perimeter buffers.
- d)** Planning Board may determine that a lesser number of trees is required based on adjacent development, lot design, topography or any other mitigating factors. A minimum of fifty percent (50%) of all required trees shall be shade trees.

e. Required Landscape Plan:

- 1) General:** Prior to the review of a Site Review application for development, a landscape plan shall be submitted to the Planning Board for review. Clearing of land prior to submission of a Site Review Application to the Planning Board is prohibited.

2) Contents of Landscape Plans: Landscape plans shall:

- a)** Be drawn to scale and include dimensions and distances;
- b)** Delineate existing and proposed parking spaces and/or other vehicular use areas;
- c)** Designate by name, including common names, and location all plant material to be installed or preserved in accordance with these or any other applicable standards;
- d)** Identify and describe all other landscape material and elements proposed to be used;
- e)** Show all landscape features, including areas of vegetation to be preserved in relationship to all existing or proposed building and/or any other improvements to the site; and

- f) Include a tabular summary clearly indicating the relevant statistical information necessary to determine compliance with the provisions of these standards. This information shall include gross acreage, square footage of vegetation preservation areas, the number of trees to be planted or preserved, square footage of paved areas, and other such information.

3) Required Landscaping:

- a) **Adjacent to Public Right-of-Way:** On the site of a building providing an off-street parking area or other vehicular use area, where such area will not be entirely screened visually by an intervening building or structure from any abutting right-of-way, there shall be provided landscaping between such area and such right-of-way, as follows:

A strip of land at least fifteen (15) feet in width, located between the abutting right-of-way and the off-street parking areas or other vehicular use area, which is exposed to an abutting right-of-way, shall be landscaped. This requirement shall apply to all frontage which borders a public right-of-way. Such landscaping shall include one (1) tree for every thirty (30) lineal feet or fraction thereof with one dimension being at least five (5) feet. Such trees shall be set back at least twelve (12) lineal feet from the edge of the pavement of the public road. Any landscaping of a mature height of up to three (3) feet shall be set back a minimum of eight (8) feet from the edge of the pavement of the public road. Mature vegetation which does not exceed two (2) feet in height may be planted within eight (8) feet but no closer than three (3) feet from the pavement. The portion of the planted area extending three (3) feet from the pavement may only be vegetated with grass, ground cover or other minimal height landscape treatment.

Roadside tree plantings should consider the following criteria:

- (1) Cast moderate to dense shade in summer;
- (2) Be long-lived, i.e., over sixty (60) years;
- (3) Be tolerant of pollution and direct or reflected heat;
- (4) Require little maintenance, be mechanically strong and insect and disease resistant; and
- (5) Be of native origin, provided that they meet the above criteria.

All property abutting a right-of-way, other than the required landscaped strip lying between the right-of-way and off-street parking or other vehicular use areas, shall be landscaped with, at a minimum, grass or other ground cover.

Necessary access ways from the public right-of-way through all such landscaping shall be permitted to service the parking or other vehicular use area. Such access ways, however, may not be subtracted from the lineal dimension used to determine the number of trees required.

Where stone walls exist, care should be taken to disturb these as little as possible, since they also act to retain the character of country roads.

- b) Parking Area Interior Landscaping:** Trees and landscaping shall be included in all parking lot designs. A differentiation between perimeter landscaping and interior landscaping is made in these requirements. The purpose of perimeter landscaping is to screen parking areas from the street and/or adjacent residential uses. The purpose of interior landscaping is to provide shade within the parking area, reduce heat generated by paved parking spaces in the summer months, assist in on-site circulation and improve the general appearance of the site.

Planting areas for interior landscaping shall be designed so as to maximize provision of shade throughout the parking area during the summer months. For new construction or expansion of existing parking lots by fifty percent (50%) or more, the minimum area for interior landscaping shall be calculated as follows:

Ten percent (10%) of the total parking area, including drive aisles shall be landscaped. Generally, a minimum of one (1) tree shall be provided in the interior landscaping areas for every five (5) parking spaces. Developments requiring less than five (5) parking spaces are exempt from the interior landscaping standard. Perimeter landscaping may count for up to fifty percent (50%) of required interior landscaping if site conditions dictate.

Planting areas for perimeter landscaping shall be designed so as to maximize effectiveness of the landscaping as a visual screen. Planting areas for perimeter landscaping shall be a minimum of five (5) feet wide. Shrub materials used in perimeter landscaping areas shall be a minimum of four (4) feet high at the time of planting. Perimeter planting areas shall be required when screening of parking areas from the street or adjacent residential use is required.

- c) Sight Distance for Landscaping Adjacent to Public Rights-of-Way and Points of Access:** When an access way intersects a public right-of-way, or when a subject property abuts the intersection of at least two (2) or more public right-of-ways, all landscaping shall provide unobstructed cross-visibility at a level between two (2) and ten (10) feet, provided however, that trees shall have their limbs and/or foliage trimmed in such a manner that no visual impediment exists within the cross-visibility area. Trees shall not be located in such a manner as to create a traffic hazard. Landscaping, except required grass or ground cover, shall not be located closer than three (3) feet from the edge of any access way pavement or impervious material.

- d) **Credit for Existing Plant Material:** In instances where healthy plant material exists on a site prior to its development, the Planning Board may adjust the application of these standards to allow credit for such plant material if such an adjustment is in keeping with and will preserve the intent of these standards.

4) Other Applicable Requirements:

- a) The provisions of these standards shall apply to new off-street parking or other vehicular uses areas and to expansion of existing parking lots by fifty (50%) or more (based on the parking lot size on the date of the adoption of this standard) in the General Purpose and Residential/Light Commercial districts.
- b) The provisions of these standards shall be subject to other applicable codes and regulations where such regulations are more restrictive and are not otherwise inconsistent with the provisions of these standards.

F. Private Outdoor Lighting:

1. **Purpose:** It is the purpose of these performance standards to assure that in all zoning districts, all outdoor lighting shall be located, shielded and directed in a manner which prevents excessive illumination levels, prevents glare on nearby streets and sidewalks, and prevents light trespass beyond the property lines. In furtherance of this standard, the following requirements shall apply:
 - a. All freestanding and façade mounted lighting shall utilize full cut-off type fixtures or equivalent shielding to prevent excessive lighting levels, minimize glare and shall be installed in a manner that does not direct light beyond the lot lines of the premises on which the light fixture(s) is located.
 - b. All parking area lighting shall be full cut off type fixtures.
 - c. The IESNA (Illuminating Engineering Society of North America) "Maintained Horizontal Illuminance Recommendations" shall be followed for a multifamily and/or non-residential project site. (See Table A) The minimum light level specified in Table A shall not be exceeded by more than .2-foot candles.
 - d. Maximum height of freestanding lights shall be twenty-five (25) feet.
 - e. Canopy lighting. Light fixtures mounted on/in canopies shall be recessed so that the lens cover is recessed or flush with the ceiling surface. Lights shall not be mounted on the top, sides or front face of the canopy nor shall any such side or face of the canopy be illuminated.
 - f. Lighting plan. When compliance to these standards is in question, the Code Enforcement Officer may require the submission of a detailed lighting plan showing type of fixtures, shielding, and level of wattage and fixture height.

2. Non-conformance: See Article 11-8.10.

TABLE A

IES Maintained Horizontal Illuminance

Levels of Activity & Foot-candle Recommendations

Vehicle Travel Area

Parking & Pedestrian

High

| <u>Avg.</u> | <u>Min.</u> | <u>U.Ratio</u> |
|-------------|-------------|----------------|
| 2.0 | .67 | 3:1 |

| <u>Avg.</u> | <u>Min.</u> | <u>U.Ratio</u> |
|-------------|-------------|----------------|
| 3.6 | .9 | 4:1 |

Major League Athletic Events
Major Cultural or Civic Events
Regional Shopping Centers
Fast Food Restaurants with drive-thru facilities
Convenience Stores with Gas Pumps
Other facilities with drive-thru

Medium

| <u>Avg.</u> | <u>Min.</u> | <u>U.Ratio</u> |
|-------------|-------------|----------------|
| 1.0 | .33 | 3:1 |

| <u>Avg.</u> | <u>Min.</u> | <u>U.Ratio</u> |
|-------------|-------------|----------------|
| 2.4 | .6 | 4:1 |

Community Shopping Centers
Cultural, Civic or Recreational Events
Office Parks/Building
Hospital Parking
Transportation Parking (Airports, Commuter Lots, etc.)
Residential Complex Parking (Multi-Family)

Low

| <u>Avg.</u> | <u>Min.</u> | <u>U.Ratio</u> |
|-------------|-------------|----------------|
| .5 | .13 | 4:1 |

| <u>Avg.</u> | <u>Min.</u> | <u>U.Ratio</u> |
|-------------|-------------|----------------|
| .8 | .2 | 4:1 |

Neighborhood Shopping
Industrial Employee Parking
Educational Facility Parking
Church Parking

Level of Activity

Regional shopping center containing retail space of three hundred thousand (300,000) square feet or greater.

High

| | |
|---|--------|
| Community shopping centers containing retail space of five thousand (5,000) to two hundred ninety-nine thousand and nine hundred ninety-nine (299,999) square feet. | Medium |
| Neighborhood shopping containing retail space of less than five thousand (5,000) square feet. | Low |
| Automotive dealerships | High |
| Entertainment theaters, sports arenas | High |
| Convenience stores with gas pumps/canopies | High |
| Gas Stations | High |

G. Transportation: Access Management

1. Purpose: It is the purpose of these performance standards to:

- a. Keep traffic flowing smoothly and safely on the roads, including arterials, within the Town of Farmington; and
- b. Minimize traffic problems associated with uncontrolled strip development.

Access management, in the context of these standards, is the management of driveways/entrances and intersections to maintain highway safety and traffic carrying capacity of all highways/roads and to maintain the posted speed limit of arterials.

2. Applicability:

- a. These standards shall apply to all development proposals requiring review under the "Town of Farmington Site Review Ordinance", adopted March 11, 2002, as said Ordinance may be subsequently revised or updated, and the "Town of Farmington Subdivision Regulations," adopted April 3, 1978, and any subsequently adopted Town of Farmington Subdivision Ordinance.
- b. For these standards, Routes 2, 4, 27, and the Town Farm Road are defined as Arterials, all within the Urban Compact Zone.

For these standards, Routes 133, 149, 156, and 41 are defined as Major Collectors, and Route 43 is defined as a Major Collector to Industry and a Minor Collector to Temple, all within the Urban Compact Zone.

For these standards, Knowlton Corner Road, Whittier Road, and Seamon Road are defined as Minor Collectors, all within the Urban Compact Zone.

The segments of these roadways that lie outside of the Urban Compact Zone are under State jurisdiction, and therefore classifications and standards may vary for these.

- c. Grandfathered Access: All lots are presumed to have at least one (1) driveway/entrance. Driveways/entrances in existence at the time of adoption of these standards are grandfathered. Farming and forestry access points in existence at the time of adoption of these standards are grandfathered.

3. Non-conformance: See Article 11-8.10.

4. General Access Management Standards for Local Roads:

This subsection pertains to access management relative to all public roadways within the Town of Farmington. If planned access is to a State highway arterial or collector route within the Urban Compact Zone, also see subsection 5.

The proposed site layout shall take into account existing traffic flow and safe vehicular access to and from public collectors and local roadways within the Town of Farmington.

a. Road capacity:

Vehicular access to the site shall be on roads that have the capacity to accommodate the additional traffic generated by the project. The applicant shall assume financial responsibility for the off-site roadway improvements, if necessary, to accommodate the additional traffic.

Road improvements shall be completed before the project is operational or, in the case of a subdivision, before any lot is sold.

b. Classification of driveways/entrances by traffic volume:

Driveways are classified as low volume; entrances are classified as either medium, or high volume. See Definitions.

c. Minimum sight distance:

- 1) Sight distance is the length of unobstructed sight line of motor vehicle drivers in normal daylight conditions. Sight distance shall be measured from the perspective of a hypothetical person seated in a vehicle from three vantage points: 1) sitting in the access viewing vehicles traveling on the highway (both left and right), 2) traveling on the highway viewing a vehicle sitting in an access, and 3) traveling on the highway viewing a vehicle turning into the access (both ahead and behind). In case of discrepancy between these measurements, the lesser measurement shall be used to determine whether the sight distance standard is met. Sight distance shall be measured to and from the point on the centerline of the proposed access that is located ten (10) feet from the edge of traveled way. The height of the hypothetical

person's view shall be three and one-half (3½) feet above the pavement and the height of the object being viewed shall be four and one-half (4½) feet above the pavement.

- 2) Any exit driveway/entrance or driveway/entrance lane shall be so designed in profile and grading, and so located as to provide a minimum sight distance in each direction. Minimum sight distances depend on the speed of traffic on the road (posted speed limit or a traffic speed study) and the volume of traffic entering and leaving the driveway/entrance.

Tables 1 and 2 specify minimum sight distances for non-arterials and non-collectors as a function of posted highway speed for low volume driveways, medium volume entrances, and high-volume entrances respectively. See subsection 5.a.1, for minimum sight distances for arterials.

- 3) This section shall not apply to driveways serving residential lots in residential zones that will be served by a newly constructed street, or residential areas served by an existing public street, when such street has a posted speed limit of twenty-five (25) miles per hour or less. The Planning Board shall in the review of subdivision proposals ascertain that sight distances at individual driveways ensure safe conditions.

Table 1. Minimum sight distances for low volume driveways and medium volume entrances

| Posted Speed (MPH) | Low Volume Driveways Minimum Sight Distance (Feet) | Medium Volume Entrances Minimum Sight Distance (Feet) |
|--------------------|---|--|
| 20 | 125 | 125 |
| 25 | 150 | 150 |
| 30 | 200 | 200 |
| 35 | 225 | 250 |
| 40 | 275 | 325 |
| 45 | 325 | 400 |
| 50 | 400 | 475 |
| 55 | 450 | 550 |

Maine Highway Design Guide – MDOT 1994

Table 2. Minimum safe sight distances for high volume entrances

| Posted Speed (MPH) | Minimum Sight Distance (Feet) |
|--------------------|-------------------------------|
| 20 | 155 |
| 25 | 200 |
| 30 | 250 |
| 35 | 305 |
| 40 | 360 |
| 45 | 425 |
| 50 | 495 |
| 55 | 570 |

AASHTO – Green Book

d. Exceptions and other conditions for minimum sight distances:

- 1) Where larger vehicle traffic from the development is expected to be thirty percent (30%) or more of the daily peak traffic, the sight distance shall be increased as specified in Tables 3 and 4.

Table 3. Minimum sight distances for low volume driveways and medium volume entrances with large vehicle traffic of thirty percent (30%) or more of daily peak traffic

| Posted Speed (MPH) | Low Volume Driveways Minimum Sight Distance (Feet) | Medium Volume Entrances Minimum Sight Distance (Feet) |
|--------------------|--|---|
| 20 | 160 | 160 |
| 25 | 190 | 190 |
| 30 | 250 | 250 |
| 35 | 280 | 300 |
| 40 | 340 | 400 |
| 45 | 400 | 500 |
| 50 | 500 | 600 |
| 55 | 560 | 690 |

Based on *Maine Highway Design Guide – MDOT 1994*

Table 4. Minimum safe sight distances for high volume entrances with large vehicle traffic of thirty percent (30%) or more of daily peak traffic

| Posted Speed (MPH) | Minimum Sight Distance (Feet) |
|--------------------|-------------------------------|
| 20 | 190 |
| 25 | 250 |
| 30 | 300 |
| 35 | 380 |
| 40 | 450 |
| 45 | 530 |
| 50 | 620 |
| 55 | 710 |

Based on *AASHTO – Green Book*

- 2) Where more than one business or structure is located on a single parcel, all vehicular access to and from a public or private road shall be via a common access or entranceway serving all businesses and structures.
- 3) If the intersection of any access driveway/entrance or proposed street in the development is expected to have an increase of one hundred (100) or more passenger car equivalents per hour to the roadway, the Planning Board may require that the intersection be designed by a Professional Engineer licensed by the State of Maine.
- 4) For lots with shared access, the driveway/entrance may be located along the property line. The minimum spacing to property line may be varied, if:

- a)** The safest point of access to the site is closer to the property line; and
 - b)** There is at least fifty (50) feet of separation between driveways/entrances serving adjacent properties.
- 5)** When the proposed project is to be located on the opposite side of the road from an existing development, the driveway/entrance shall be directly opposite the existing driveway/entrance, or else separated from it by a minimum of seventy-five (75) feet whenever possible.

e. Driveway/Entrance characteristics:

- 1)** Low volume driveways and medium volume entrances shall have the following characteristics:
 - a)** A single two-way operation for low volume driveways only;
 - b)** Intersect the road at an angle as close to ninety (90) degrees as site conditions permit, but at no less than forty-five (45) degrees;
 - c)** For medium volume entrances, all angles between forty-five (45) degrees and ninety (90) degrees shall be channelized;
 - d)** No median; and
 - e)** Slope upward from the gutter line or shoulder break on a straight slope of no more than three percent (3%) for the first fifty (50) feet.
- 2)** High volume entrances shall have the following characteristics:
 - a)** Have two-way operations separated by a raised median of at least six (6) feet in width and fifty (50) feet to one hundred (100) feet in length depending upon necessary storage length for queued vehicles;
 - b)** Intersect the road at an angle as close to ninety (90) degrees as site conditions permit, but at no less than forty-five (45) degrees. All angles between forty-five (45) degrees and ninety (90) degrees shall be channelized;
 - c)** Be striped for two (2) to four (4) lanes, each lane twelve (12) feet wide;
 - d)** Slope upward from gutter line on a straight line of no more than three percent (3%) for the first seventy-five (75) feet; and
 - e)** Signalization and appropriate sign controls may be required depending on traffic conditions.
- 3)** All driveways and entrances shall adhere to the following drainage standards:

- a) Culvert Size: The Town Public Works Director shall determine the length and diameter of culverts within the highway right-of-way depending on local conditions; and
 - b) Construction and Maintenance Standards: Driveways, entrances, on-site ditches, swales, pipes and other structures that direct runoff toward public highway ditches or drainage systems shall be constructed, crowned, stabilized and maintained with stable materials and appropriate erosion control measures such as permanent vegetation or stone, as approved by the Town Public Works Director.
- 4) All driveways and entrances shall adhere to the following turnaround/parking standard:

Driveways and entrances shall be designed such that all maneuvering and parking of any vehicles shall take place outside of the highway right-of-way and such that vehicles may exit the premises without backing onto the highway traveled way or shoulder. The Planning Board may require a turnaround area to accommodate larger vehicles that are expected to use the driveway/entrance on a regular basis.

5. Arterial/Collector Access Management Standards:

Vehicular access to State highway arterial and collector routes within the Urban Compact Zone shall comply with the following performance standards, in addition to those specified in subsection 4. Where conflicts exist between this subsection and subsection 4, this subsection shall apply. For these standards, Routes 2, 4, 27, and the Town Farm Road are defined as Arterials, all within the Urban Compact Zone.

For these standards, Routes 133, 149, 156, and 41 are defined as Major Collectors, and Route 43 is defined as a Major Collector to Industry and a Minor Collector to Temple, all within the Urban Compact Zone.

For these standards, Knowlton Corner Road, Whittier Road, and Seamon Road are defined as Minor Collectors, all within the Urban Compact Zone.

The segments of these roadways that lie outside of the Urban Compact Zone are under State jurisdiction, and therefore classifications and standards may vary for these.

The Planning Board shall review the Site Review application in light of the following provisions, giving precedence to minimum sight distance, minimum driveway/entrance spacing, and maximum number of driveways/entrances per lot, in that order.

a. Sight Distance:

Driveways/entrances, intersecting roads, and other accesses shall be located to achieve the required sight distance measured in each direction along the

arterial, while maintaining adequate distances from adjacent driveways, entrances and intersections as specified in subparagraph 1) and 2) below. In the event that there is a conflict between sight distance and minimum driveway and entrance spacing standards, the sight distance standard should take precedence. Sight distance shall be in accordance with the following standards:

- 1) Low volume driveways, and medium and high-volume entrances – driveway/entrance and intersection road placement shall be such that a driver of an exiting vehicle has an unobstructed sight distance in each direction as specified in Table 5.

Table 5. Minimum sight distances for low volume driveways and medium and high-volume entrances

| Posted Speed (MPH) | Minimum Sight Distance (Feet) |
|--------------------|-------------------------------|
| 20 | 155 |
| 25 | 200 |
| 30 | 250 |
| 35 | 305 |
| 40 | 360 |
| 45 | 425 |
| 50 | 495 |
| 55 | 570 |

AASHTO – Green Book

- 2) If more than thirty percent (30%) of the traffic projected to use the proposed driveway/entrance will be large vehicles, the minimum sight distances shall be increased as specified in Table 6.

Table 6. Minimum sight distances for large vehicles

| Posted Speed (MPH) | Minimum Sight Distance (Feet) |
|--------------------|-------------------------------|
| 25 | 300 |
| 30 | 370 |
| 35 | 455 |
| 40 | 540 |
| 45 | 635 |
| 50 | 740 |
| 55 | 855 |

b. Minimum driveway spacing:

- 1) New lots - The minimum distance between nonresidential driveways/entrances served by an arterial shall be a function of posted highway speed according to Table 7. The minimum distances shall apply to nonresidential driveways/entrances on the same lot or on adjoining lots. Measurement of minimum distance between driveways/entrances shall be from the centerline of the driveways at the right-of-way line.

Any new nonresidential lot created after the effective date of these standards shall contain a minimum frontage equal to the minimum spacing requirement as stated in Table 7, unless the applicant can demonstrate to the Planning Board that:

- a) The access to the property will be provided by a frontage road, service road or local road;
- b) The placement of a driveway/entrance on a lot with a smaller frontage will not prohibit abutting property owners from meeting the minimum spacing requirements contained in Table 7; or
- c) The lot will be accessed by a shared driveway/entrance with an abutter.

Table 7. Minimum distance between driveways/entrances

| Posted Speed (mph) | Minimum Spacing (feet) |
|--------------------|------------------------|
| 25 or less | 90 |
| 30 | 105 |
| 35 | 130 |
| 40 | 175 |
| 45 | 265 |
| 50 | 350 |

- 2) Access to lots with nonconforming frontages - Lots which are served by an arterial and which are nonconforming with respect to required frontage as of the effective date of these standards are prohibited from developing more than a total of one (1) access point. Nonconforming nonresidential frontage lots that, as of the effective date of these standards are improved with structures, are prohibited from expanding or converting such structures, where such activity will result in:

- a) The need for new access points; or
- b) A significant increase in the anticipated peak hour traffic such that the driveway/entrance volume moves from one category to another, e.g., from low volume driveway to medium volume entrance.

Where adjoining lots are owned in common and do not meet the frontage requirements specified in Table 7, an access permit may be granted provided that access is shared by adjoining lots.

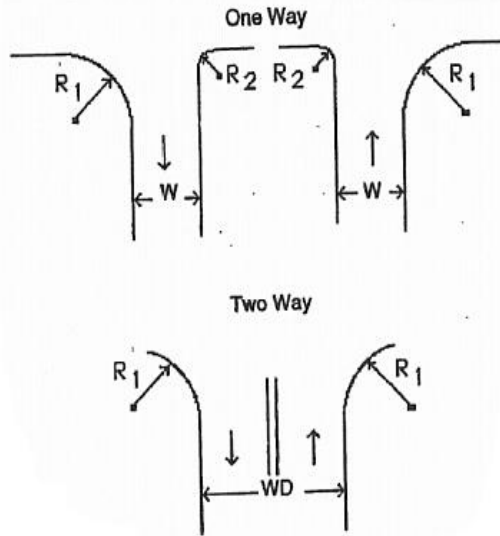
- 3) Maximum number of driveways/entrances per lot - The maximum number of driveways from the roadway to the site to be developed shall be governed by the following:
- a) No low volume traffic generator shall have more than one (1) two-way access onto a single roadway;

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Table 8. Curb opening design for low-volume driveways and medium-volume entrances:

| Dimension | Desired Value (ft.) | Minimum Value (ft.) | Maximum Value (ft.) |
|---------------------|---------------------|---------------------|---------------------|
| <u>ONE-WAY</u> | | | |
| R1 (radius) | 30 | 25 | 40 |
| R2 (radius) | 5 | 5 | 10 |
| W (driveway width) | 20 | 20 | 24 |
| <u>TWO-WAY</u> | | | |
| R1 (radius) | 30 | 25 | 40 |
| WD (driveway width) | 26* | 24 | 30* |

*Where separate left and right exit lanes are desirable.



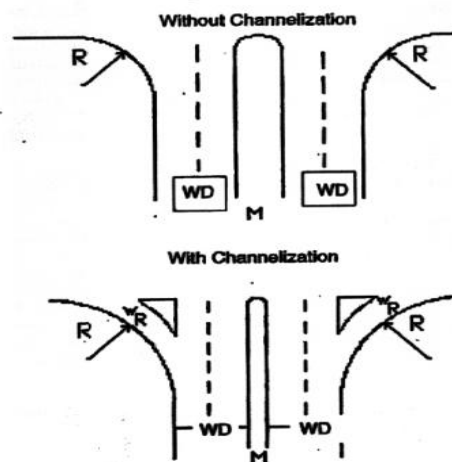
c) High volume entrances:

- (1) Have two-way operations separated by a raised median of six (6) feet to ten (10) feet in width and fifty (50) to one hundred (100) feet in length, depending upon necessary storage length for queued vehicles;
- (2) Intersect with the road at an angle as close to ninety degrees (90°) possible, but at not less than sixty degrees (60°);
- (3) Be striped for two (2) lanes to four (4) lanes with each lane twelve (12) feet wide; and
- (4) Signalization and appropriate sign controls may be required depending on traffic conditions. Level of service and traffic signal warrants should be conducted for all high-volume driveways, and comply with the geometric standards specified in Table 9.

Table 9. Curb opening design for high-volume entrances:

| Dimension | Desired Value (ft.) | Minimum Value (ft.) | Maximum Value (ft.)* |
|-------------------------------|---------------------|---------------------|----------------------|
| <u>Without Channelization</u> | | | |
| R (radius) | 50 | | |
| WD (drive width) | 24 | 30 | 50 |
| M (median width) | 4 | 20 | 26 |
| | | 4 | 10 |
| <u>With Channelization</u> | | | |
| R (radius) | 100 | 75 | 100 |
| WD (drive width) | 24 | 20 | 26 |
| M (median width) | 4 | 4 | 10 |
| WR | 20 | 16 | 20 |

*For industrial developments with a high percentage of larger vehicle traffic, maximum values are required.



6. Subdivision:

The performance standards specified in this subsection are applicable to subdivisions specified in 30-A M.R.S. §4452, as administrated through the "Town of Farmington Subdivision Ordinance". These standards complement all preceding standards. Where conflicts exist between this subsection and any preceding standard, this subsection shall supersede.

a. Access to frontage road/service road. Where such project abuts an existing arterial or a proposed arterial, the following provisions shall apply:

1) Direct Arterial Access to Individual Lots Prohibited - Direct access to any individual lot, or to a single place of business, shall be prohibited unless the Planning Board determines that physical conditions particular to the parcel justify the granting of a waiver from this requirement. A waiver shall be granted only if there will be no further division of the parcel and one of the following conditions is met:

a) There is too little road frontage to reasonably allow creation of a new way;

- b)** The shape or physical condition of the parcel does not permit access to, or creation of, a street other than the arterial; or
- c)** Common access will be utilized which will allow all proposed lots to be serviced by one (1) new curb opening.

2) Permitted access:

Access to the development may include one of the following:

- a)** A common frontage road running parallel to the arterial provided that such frontage road shall be located at least fifty (50) feet from the right-of-way of the arterial. As an alternative to constructing the service road, the Town and the developer, acting through a formal agreement, may agree that small sites may be served by individual, temporary driveways and entrances until adjacent lots are developed, provided that a service road shall be constructed by a mutually agreed upon date, after which the temporary driveways and entrances shall be closed and consolidated into one (1) or two (2) access points;
 - b)** A common driveway/entrance, which may intersect the arterial, and which serves the individual lots or businesses or a common parking lot adjacent to the individual lots or businesses; or
 - c)** One (1) or more local roads, to be constructed by the developer according to the standards, which shall serve the development.
- b.** Corner lot access - Where a proposed development is to be located at the intersection of an arterial and a collector or the local road, driveways to the site shall be located only on the collector or local road. This requirement may be waived where the applicant demonstrates that existing site conditions, e.g., inadequate frontage along the collector or local road, preclude the location of a driveway on the collector or local road, or that the location of the driveway on the collector or local road would create safety-related problems within a predominantly residential neighborhood.
- c.** Shared driveways - Shared driveways shall be encouraged for adjacent sites, in order to minimize the number of driveways along the arterial. The lot size and road frontage requirements may be reduced for shared driveways as follows:
- 1)** A total of ten percent (10%), when the developer agrees to provide shared driveways to the entire site; and
 - 2)** A total of fifteen percent (15%), when the shared driveways are on a road other than the arterial.

7. Waiver of Standards:

Standards may be waived only to the extent that existing lots of record as of the effective date of these standards that do not have access to another public way and that do not meet these standards may be allowed one (1) driveway if the applicant meets the standards for granting a waiver set below:

The Board shall review the request and determine whether to grant the request, deny the request, or grant the request with any reasonable condition(s). The request shall be granted only if the applicant demonstrates, to the reasonable satisfaction of the Board, that:

- a. The waiver will not significantly impact public safety;
- b. The proposed driveway/entrance meets the standards to the maximum extent practicable;
- c. There is no feasible alternative; and
- d. In determining practicability and feasibility, the Board shall consider the nature and extent of negotiation for a shared driveway/entrance and the availability and cost of alternative driveway/entrance locations and designs in relation to the proposed use.

H. Facades in the Village Business Historic District:

All new facades and any renovated facades in the Village Business Historic District shall be designed and built in a manner that compliments the predominant visual character and quality exhibited by the existing buildings in this district.

The aim is to have all such façade work done in a manner that does not detract from its immediate neighbors or from the overall historic impression of the Village Business Historic District. While individual facades can and will possess their own distinct appearances, the goal is for the collective impact of these appearances to be harmonious and not conflicting.

I. Open Space Residential Development:

- 1. **Purpose:** This section is intended to promote integrated, creatively-designed residential development that results in the preservation of open space and natural resources, the reduction of infrastructure and site development costs, and the promotion of attractive standards of appearance consistent with town and neighborhood project character.
- 2. **Permit Authority:** The Board shall have the authority to approve an Open Space Residential Development (“OSRD”) in the Residential, Village Residential, Residential Light Commercial, and Farm and Forest Districts where the applicant demonstrates compliance with the requirements of this section.

3. OSRD Permit Applications:

- a.** Any proposed development that would create ten (10) or more single-family, duplex, or multi-family dwelling units on a parcel of land or a set of contiguous parcels of land, containing at least ten (10) acres, may submit an application or an OSRD permit. Parcels separated by roadways shall be considered contiguous.
- b.** Any application submitted under this section that involves a subdivision of land shall also be subject to the approval of the Planning Board under the Town of Farmington Subdivision Ordinance.

4. Submittal Requirements: All applicants for an OSRD permit shall submit the following to the Planning Board:

- a.** An application supplied by the Code Enforcement Office, and the appropriate fee set by the Select Board;
- b.** An OSRD plan addressing the general features of the land, configurations of lots and roadways, and all information required by the Planning Board under Section 8; and
- c.** The plans required by this Section 4 shall be prepared by a licensed civil engineer, a land surveyor, or other licensed professional approved by the Planning Board.

5. Procedures for Approval: Applicants seeking an OSRD permit are encouraged to arrange for a pre-application meeting with the Code Enforcement Officer to discuss the proposed OSRD.

6. Open Space Requirements:

- a.** A minimum of fifty percent (50%) of the OSRD shall be dedicated as permanent open space. Qualifying open space under this section is all non-impervious common area in the development which is devoid of structures, and shall either be left in its undisturbed, natural condition, or developed to assure its use as an area for recreation, or a visual amenity, landscaped, or managed for forestry or used for agriculture in accordance with Best Management Practices. A utility corridor that is permitted to be used for recreational trail purposes shall be deemed to qualify as open space within an OSRD despite the existence of utility structures, provided that no other structures shall be permitted within such corridors.
- b.** The open space shall be subject to a recorded deed restriction. The restriction shall provide that the open space will remain in an open state, will be used solely for the purposes allowed by this section, and will be maintained in a manner that will ensure its suitability for its intended purpose.

- 7. Density Bonus:** The applicant shall be entitled to a twenty percent (20%) density bonus (i.e. 20% more dwelling units) if the applicant proposes to preserve at least seventy percent (70%) of the land in the OSRD as open space.
- 8. OSRD Design Requirements:** An applicant shall determine the layout of streets, open space, and lots or building areas in the proposed OSRD in compliance with the following:
- a. Identify open space area(s);
 - b. Identify the developable area of the site. The developable area must consist only of land outside the open space area(s);
 - c. Identify dwelling sites within the developable area(s) and delineate any private yards and shared amenities;
 - d. Delineate the streets that will provide access to the house sites, and any desirable trails or walkways; and
 - e. Delineate lot lines, except where condominium ownership is used.
- 9. OSRD Development Standards:**
- a. Underground utilities shall be located so as to not interfere with the Town's highway drainage facilities, including but not limited to, culverts, catch basins, underdrainage, interceptors, swales, etc. and the maintenance thereof by the Town.
 - b. Where multi-dwelling units are proposed, individual buildings shall contain no more than eight (8) dwelling units.
 - c. There shall be no unbroken building facades longer than sixty (60) feet. For purposes of this standard, an "unbroken façade" means a façade that is lacking in such features as irregularities, recessed entries, "bump outs," and the like that serve to create visual interest along its length.
 - d. Where townhouse dwellings are proposed, the development shall provide for varied roofline articulation that stresses New England village-style architecture, and the use of building materials and colors that are compatible with other quality buildings of similar scale in the vicinity.
 - e. Individual building lots or building locations must be laid out to achieve the following objectives, as applicable. Where the Planning Board finds that objectives conflict, the objectives shall be achieved in the order listed:
 - 1) On soils suitable for subsurface wastewater disposal where on-site wastewater disposal is to be used;

- 2) In a manner that preserves, as part of the required open space, environmentally sensitive areas, such as wetlands, steep slopes, floodplains, wildlife habitat rated by the Maine Department of Inland Fisheries and Wildlife as high value, and unique natural features;
- 3) In a manner that preserves or allows the establishment of a vegetated buffer to serve as an effective visual screen from adjacent properties;
- 4) In a manner that maximizes the amount of contiguous, usable area for agriculture or forest production or outdoor recreation included as part of the required open space; and
- 5) In a manner that each dwelling unit has as direct access as possible to the open space, as appropriate based on the nature and use of the open space.

10. Common Open Space:

- a. The open space should be capable of being used and enjoyed by residents of the development for the purpose of informal and unstructured recreation and relaxation, or a visual amenity, or managed for forestry or used for agriculture in accordance with Best Management Practices.
- b. The applicant shall propose that the common open space shall be controlled by one (1) or more of the following methods:
 - 1) Common ownership by the owners of the units within the project through a corporation or trust comprising a homeowners' association with the additional option of a conservation easement granted to a recognized conservation organization. The developer shall include in the deed to such owners beneficial rights in the open space, and shall grant a perpetual open space deed restriction to insure that it will remain in an open state in accordance with these performance standards. Such restriction shall be reviewed and approved by the Planning Board.
 - 2) Transfer, with permanent restrictions, to a land trust or other recognized conservation organization; or
 - 3) Ownership or lease by a private party for agricultural or other natural resource use provided that permanent restrictions are in place to provide for its continued use for this purpose.
- c. Any and all conveyances, transfers, easements, covenants, deed restrictions, and instruments executed in the process of effectuating 10.b.1-3 above shall contain the following:
 - 1) Assurance(s) that the open space will be protected from all forms of development except as shown on an approved OSRD site plan and described in the recorded deed restriction, and shall never be changed to another use.

- 2) Identification(s) of the proposed allowable use(s) of the dedicated open space.
- 3) Requirement(s) that the dedicated open space be maintained by parties who have an ownership or lease interest in the open space.
- 4) Provision(s) of standards for scheduled maintenance by parties who have an ownership or lease interest in the open space.

11. Professional Review:

a. Professional Services:

The Board may require that a fully qualified consultant(s) review one or more submissions of an application and report as to compliance or noncompliance with this Ordinance and recommend, if possible, procedures which will result in compliance. The consultant(s) shall be determined by the Board to be competent in a field relevant to the issue under consideration and shall be mutually acceptable to the Board and the applicant. The consultant shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost which the Town shall place in an escrow account. The Town shall pay the consultant from the escrow account and reimburse the applicant if funds remain after payments are completed. If escrowed funds are insufficient, the applicant shall deposit additional funds with the Town, based on the consultant's estimate, sufficient for completion (if said completion is still desired).

b. Additional Studies:

The Board may require the applicant to undertake any study which the Board deems necessary to ensure that the requirements of the Ordinance are met. The costs of all such studies shall be borne by the applicant.

J. Wind Energy Systems

1. **Purpose:** It is the purpose of these performance standards to enable the Town to: regulate the permitting of commercial and residential wind energy systems; be informed of the placement of residential and commercial wind energy systems; preserve and protect public health and safety; allow for the orderly development of land; and protect property values in the Town of Farmington.
2. **Permits Required:** No person shall construct a wind energy system without obtaining a permit from the Code Enforcement Officer (CEO) or the Board as follows:
 - a. For residential use, approval by the CEO is required for the construction and/or expansion of all such wind energy systems.

- b. For commercial use, approval by the Board is required for the construction and/or expansion of all such wind energy systems.
- 3. **Application Procedure:** Applications for residential and commercial wind energy system permits shall be filed on forms provided by the Code Enforcement Office and must include the following information:
 - a. Name of owner and operator of the wind energy system, and owner of property.
 - b. Location of proposed wind energy system, including map/lot number, and street address. Plot plan identifying location of wind energy system on the property and physical dimensions of the property.
 - c. Location of any public road or right-of-way that is contiguous with the property.
 - d. Any overhead utility lines, commercial wind energy system permits will also require the following information:
 - 1) Wind system specifications, including manufacturer and model, rotor dimension, tower height, and tower type (freestanding or guyed).
 - 2) Tower and tower foundation blueprints or drawings.

Commercial wind energy system permits will also require the following information:

- g. Certification that construction of the tower complies with all industry standards, all applicable State construction and electrical codes, the National Electrical Code, the Federal Aviation Administration (FAA), and any other standards applicable to commercial wind generators at the time of permit application.
- 4. **Notice to Abutters:** Abutting property owners shall be notified by certified mail, by The Town, at least fifteen (15) days prior to the initial Board or CEO consideration. The cost of notification shall be borne by the applicant. The notice shall indicate the time, date and place of the Board or CEO consideration, if applicable. Public hearings may be called at the discretion of the Board or CEO. If a public hearing is scheduled, a notice of such shall be published in a newspaper of general circulation in the municipality at least fifteen (15) days prior to the hearing and shall include the date, time and place of the hearing. The cost of advertising shall be borne by the applicant.
- 5. **Onsite Visit:** All applications shall have an onsite visit by the CEO. An additional onsite visit(s) may be scheduled by the Board.
- 6. **Standards for Residential Wind Energy System Permit:**
 - a. For residential use, a permit for a new wind energy system, including all components that comprise the system, shall be granted only in a zoning district in which such a facility is allowed [See Town of Farmington Zoning Ordinance – Section 11-8.9(D) Table of Uses].

- b. All wind energy systems shall be setback from abutting property lines, utility lines, and/or public roads or right-of-way by a distance equal to 105% of the tower height including all components. This distance from property lines may be reduced by a written, recorded mutual agreement of the property abutter(s) whose property line(s) is within said distance of the tower base. In no case may the setback be less than the standard setback distance for the zone in which the wind energy system is constructed. Best Engineering Practices should be utilized in determining the optimal placement.
- c. Access: All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access. The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to unauthorized persons.
- d. Wind energy systems shall not exceed 60 dB(A), as measured at the closest property line. The level, however, may be exceeded during short-time events such as utility outages and/or severe weather events.
- e. The wind energy system generators and alternators shall be constructed so as to prevent the emission of radio and television signals. The applicant shall correct any signal disturbance problem that is identified within ninety (90) days. Upon identification of a signal disturbance problem, the wind energy system shall not be operated until corrected. If the problem is not corrected within ninety (90) days, the applicant shall be in violation and subject to the enforcement provisions in the Town of Farmington Zoning Ordinance, which may result in wind energy system removal.
- f. The supporting tower shall also be enclosed with a six (6) foot tall fence or the base of the tower shall not be climbable for a distance of ten (10) feet.
- g. The owner of a wind energy system shall be required to remove the tower if it hasn't produced power for a period of twelve (12) consecutive months unless otherwise waived by the CEO or the Planning Board.

7. Standards for Commercial Wind Energy System Permit:

- a. Location: For commercial use, a permit for a new wind energy system, including all components that comprise the system, shall be granted only in a zoning district in which such a facility is allowed (see Town of Farmington Zoning Ordinance – Section 11-8.9 (D) (Table of Uses), and only upon proof of ownership, easement or purchase option, for the location under consideration.

A location map shall be provided which describes the boundaries of the proposed facility site, all property boundary lines, and all contiguous properties under the total or partial control of the applicant, any scenic resource or historic site within ½ mile of the proposed development site and any significant wildlife habitat which may be impacted.

There shall be written evidence that the Environmental Coordinator of the Maine

Department of Inland Fisheries and the Maine Natural Resources Program have both been notified of the pending application and the location and tower height of all components covered by the application.

- b. Setbacks:** All wind energy systems shall be setback from abutting property lines, utility lines, overhead utility lines (not associated with the facility), and/or public roads or right-of-way by a distance equal to one hundred five percent (105%) of the tower height including all components. This distance from property lines may be reduced by a written, recorded mutual agreement of the property abutter(s) whose property line(s) is within said distance of the tower base. In no case may the setback be less than the standard setback distance for the zone in which the wind energy system is constructed. Best Engineering Practices shall be utilized in determining the optimal placement within the above requirements.

The application shall include a description of the proposed facility to include the manufacturer's specifications for each wind turbine including make, model, tower height, maximum generating capacity, sound emission levels, over speed controls, normal and emergency shutdown procedures, and the number and aggregate generating capacity of the total system. A description of all associated facilities shall also be included.

- c. Visual Appearance:** Wind energy systems shall maintain a finish appropriate to and compatible with the surroundings unless Federal Aviation Administration (FAA) standards require otherwise, or if the owner is attempting to conform the tower to the surrounding environment and architecture, in which case it may be painted to reduce visual obtrusiveness. The Board may require photos of the existing proposed site from various locations and similar photos from the same locations with the wind energy system superimposed to aid in evaluating the visual appearance.
- d. Access:** All ground mounted electrical and control equipment shall be fenced and labeled or secured to prevent unauthorized access. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public. Access to the tower shall be through a locked gate.
- e. Wiring:** All electrical wires associated with a wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, shall be located to meet the National Electrical Code (NEC), also known as NFPA 70.
- f. Lighting:** Wind energy systems shall not be artificially lighted unless required by the FAA or other federal or State authority. If lighting is required, the Planning Board may review available lighting alternatives and approve the design that would cause the least disturbance of the surrounding properties and view.
- g. Signage:** All signs, other than the manufacturers or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a wind energy system shall be

prohibited. No wind tower should have any signage, or writing or pictures that may be construed as advertising placed on it at any time. In addition, no flags, streamers or decorative items may be attached to the wind energy system tower or turbine.

- h.** Sound Pressure: Wind energy systems shall not exceed 60 dB(A), as measured at the closest property line. The level, however, may be exceeded during short- time events such as utility outages and/or severe weather events.
- i.** The applicant shall provide evidence that the proposed height of the wind energy system tower does not exceed the height recommended by the manufacturer or distributor of the system.
- j.** The applicant shall certify that they will comply with the utility notification requirements contained in the Maine net metering law and accompanying regulations through the Maine Public Utility Commission, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid.
- k.** Tower construction of a commercial wind energy system shall be appropriate to the surroundings and shall be located according to Best Engineering Practice. The application shall include site line, photographic and, if applicable, screening information to aid the Planning Board in evaluation of the environmental and visual impact of the construction and operation of the wind energy system. The supporting tower shall also be enclosed with a six (6) foot tall fence, or the base of the tower shall not be climbable for a distance of ten (10) feet.
- l.** The wind energy system generators and alternators shall be constructed so as to prevent the emission of radio and television signals. The applicant shall correct any signal disturbance problem that is identified within ninety (90) days. Upon identification of a signal disturbance problem, the wind energy system shall not be operated until corrected. If the problem is not corrected within ninety (90) days, the applicant shall be in violation and subject to the enforcement provisions in the Town of Farmington Zoning Ordinance, which may result in wind energy system removal.
- m.** The owner of a wind energy system shall be required to remove the tower and other system components if it hasn't produced power for a period of twelve (12) consecutive months. Unless the owner of a tower and the landowner are one and the same, the applicant for a permit under this Section shall post a performance guarantee with the Town prior to obtaining a permit that is equal to one hundred twenty-five (125%) of the cost of removing the tower and other system components. The performance guarantee covering such removal shall be for a minimum term of five (5) years. Requirement for renewal of the guarantee must contain a mechanism, satisfactory to the Town, for review of the cost removal of the structure and other system components every five (5) years, and a mechanism for increasing the amount of the guarantee should the revised cost estimates so necessitate.

- n. Shadow Flicker – Computer modeling tools, such as WindPro, or any other such tool, shall be used to generate the predictions of shadow flicker. The application shall include evidence the system will avoid unreasonable adverse effects of shadow flicker at any occupied building located on a nearby property.
 - o. Visual Screening – The Planning Board shall have the authority to require applicants to consider visual screening if appropriate to minimize visual impact.
 - p. Tower/Turbine Color and Finish – Tower /turbine and turbine blades shall be painted a non-obtrusive, non-reflective color such as white or gray to minimize negative visual impacts.
8. **Permit Fees:** Application for a Residential Wind Energy System Permit shall be accompanied by a fee of fifty (\$50.00) dollars. An application for a Commercial Wind Energy System Permit shall be accompanied by a fee of five-hundred (500.00) dollars for each wind tower.
9. **Expiration:** A permit issued pursuant to this Ordinance shall expire if:
- a. The wind energy system is not installed and functioning within twenty-four (24) months from the date the permit was issued; or
 - b. The wind energy system is out of service or not producing power for a continuous twelve (12) month period.
10. **Exemptions:** All wind energy systems preexisting to the enactment of these standards will be considered exempt. Wind energy systems used for pumping water or air or used for operating equipment will be exempt from all requirements for a residential wind energy system.

11. Definitions:

Best Engineering Practice: Best Engineering Practice – Equipment specifications, site preparation, construction materials, turbines, blades, and support structures will be of sufficient quality that when completed the existing windmill structure will meet all applicable mechanical, electrical, and industrial engineering standards appropriate for said windmill, as well as any and all codes, standards, requirements, and regulations applicable to said windmill in the State of Maine. In domestic construction, the standards set by the manufacturers of the windmill components will suffice with regard to health and safety requirements.

In commercial applications the windmills must meet all standards as determined by a licensed professional, industrial, or mechanical engineer who is hired by the Town at the developer's expense. A mutually agreeable timetable of quality control and quality assurance will be developed and adhered to prior to and during construction/placement of the commercial windmills as applicable in Maine.

Commercial: Commercial means the use of tower structures, the intent and result of which activity is the production of income from the buying/or selling of tower generated

energy, with the exception of residential energy contracts with local electrical energy supply companies such as Central Maine Power. “Commercial” shall not include agricultural, educational, institutional, and governmental facilities.

dB(A): dB(A) means the sound pressure level in decibels. Refers to the “a” weighted scale defined by American national Standards Institute (ASNSI). A method for weighting the frequency spectrum to mimic the human ear.

Decibel: Decibel means the unit of measure used to express the magnitude of sound pressure and sound intensity.

Historic Site: Historic site means any site, structure, or archaeological site which has been officially included in the National Registry of Historic Places and/or Maine Historic Resource Inventory, or which has been established by qualified testimony as being of historic significance.

Rotor: Rotor means an element of a wind energy system that acts as a multi-bladed airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.

Rotor diameter: Rotor diameter means the cross-sectional dimension of the circle swept by the rotating blades.

Scenic Resource: Scenic resource means either a scenic resource of state or national significance, as defined in 35 M.R.S. §3451(9) or a scenic resource of local significance located within the town and identified as such in a Comprehensive Plan, Open Space Plan, or Scenic Inventory adopted by the Select Board.

Shadow Flicker: Shadow flicker means the alternating changes in light intensity caused by the movement of wind turbine blades casting shadows on the ground or a stationary object. Shadow Flicker is not the sun seen through a spinning wind turbine blade, nor what an individual might view moving through the shadows of a wind farm.

Sight Line: Sight line means a line of sight extending from the observer’s eye to the lowest point visible on the proposed tower as depicted in a profile drawing showing prominent features including, but not limited to, topography, buildings, and trees.

Significant Wildlife Habitat: Significant wildlife habitat means Significant Wildlife Habitat as defined in 38 M.R.S. §480-B (10).

Tower height: Tower height means the height above grade of the fixed portion of the tower, excluding the wind turbine itself.

Turbine: Turbine means the parts of a wind system including the blades, generator, and tail.

Wind energy system: Wind energy system means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer,

vane, wore, inverter, batteries or other component used in the system. This does not include wiring to connect the wind energy system to the grid.

Wind generator: Wind generator means blades and associated mechanical and electrical conversion components mounted on top of the tower.

Wind tower: Wind tower means the monopole, freestanding, or guyed structure that supports a wind turbine generator.

K. Solar Energy Systems

1. Purpose: It is the purpose of these performance standards to enable the Town to: regulate the permitting of residential, commercial, and industrial solar energy systems; be informed of the placement of residential, commercial, and industrial solar energy systems; preserve and protect public health and safety; allow for the orderly development of land; and protect property values in the Town of Farmington.

2. Classification:

- a. Private Residential Solar Energy Systems (PRSES): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for on-site residential use, and consisting of one or more free-standing, ground-mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility power and/or fuels. Solar arrays or modules that are flush mounted on the roofs or walls of private residences shall be subject to PRSES performance standards or permit requirements for same. PRSES can be up to two thousand (2,000) square feet in surface area, with a rated nameplate capacity of up to 20 kW.
- b. Commercial Solar Energy Systems (CSES): An area of land or other area used by a business for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for on-site commercial use, and consisting of one or more free-standing, ground or roof-mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility power and/or fuels. CSES can be up to twenty thousand (20,000) square feet in surface area, with a rated nameplate capacity of up to 250 kW.
- c. Industrial Solar Energy Systems (ISES): An area of land or other area used by a property owner and/or corporate entity for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for off-site utility grid use, and consisting of one or more free-standing, ground-mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce off-site consumption of utility power and/or fuels. ISES are a minimum of twenty thousand (20,000) square feet in surface area, can be up to eight hundred (800) acres in surface area, and there is no limit on the rated nameplate capacity of an ISES.

3. Permits Required:

- a. No person shall construct a PRSES, CSES, or ISES without obtaining a permit from the Code Enforcement Officer (CEO) or Planning Board as follows:
 - 1) For PRSES, approval by the CEO is required for the construction and/or expansion of all such solar energy systems.
 - 2) For CSES and ISES, approval by the Planning Board is required for the construction and/or expansion of all such solar energy systems.

4. Application Procedure:

- a. Applications for PRSES, CSES, and ISES permits shall be filed on forms provided by the Code Enforcement Office and must include the following information:
 - 1) Name of owner and operator of the solar energy system, and owner of property.
 - 2) Location of proposed solar energy system, including map/lot number, and street address. Plot plan identifying location of the solar energy system on the property and physical dimensions of the property.
 - 3) Location of any public road or right-of-way that is contiguous with the property.
 - 4) Location of overhead utility lines.
- b. CSES and ISES permit applications will also require the following supplemental information:
 - 1) Solar system specifications, including manufacturer and model.
 - 2) Array/module design and site plans.
 - 3) Certification that layout, design, and installation conform to and comply with all applicable industry standards, such as the National Electrical Code (NEC)(NFPA-70), the American National Standards Institute (ANSI), the Underwriter's Laboratories (UL), the American Society for Testing & Materials (ASTM), the Institute of Electric & Electronic Engineers (IEEE), the Solar Rating & Certification Corporation (SRCC), the Electrical Testing Laboratory (ETL), and other similar certifying organizations, the Federal Aviation Administration (FAA), the Maine Uniform Building & Energy Code (MUBEC), fire and life-safety codes (NFPA-1 and 101), and any other standards applicable to solar energy systems. The manufacturer specifications for the key components of the solar energy system shall be submitted with the application.

5. Notice to Abutters: Abutting property owners of CSES and ISES shall be notified by certified mail, by the Town, at least fifteen (15) days prior to the initial Board consideration. The cost of notification shall be borne by the applicant, and the notice shall indicate the time, date and place of Board consideration. Public hearings may be called at the discretion of the Board. If a public hearing is scheduled, a notice of such shall be published in a newspaper of general circulation in the municipality at least fifteen (15) days prior to the hearing and shall include the date, time and place of the hearing. The cost of advertising shall be borne by the applicant.

6. Onsite Visit: All applicants shall facilitate onsite visits by the CEO and/or the Board as requested.

7. Standards for PRSES Permits:

- a. A permit for a new PRSES, including all components that comprise the system, shall be granted only in a zoning district in which such a facility is allowed (per §11-8.9.D - Table of Uses).
- b. All PRSES shall be setback from abutting property lines, utility lines, and/or public roads or right-of-way by a distance no less than the standard structural setback distance applicable in the zoning district where the system is to be installed. Best Engineering Practices shall be utilized in determining the optimal placement within the above requirements.
- c. All PRSES, whether ground or building mounted, shall comply with the structural height restrictions applicable in the zoning district where the system is to be installed. Best Engineering Practices shall be utilized in determining the optimal placement.
- d. All ground-mounted electrical and control equipment for PRSES shall be labeled and secured to prevent unauthorized access.
- e. All PRSES shall not exceed 50 dB(A), as measured at the closest property line.
- f. All PRSES shall be installed so as not to cause any wire or wireless communication signal disturbance.
- g. The owner of a roof-mounted PRSES shall provide evidence certifying the roof structure is capable of supporting the additional load of the PRSES.
- h. All PRSES shall be situated to eliminate concentrated glare onto abutting structures and roadways.
- i. All roof-mounted solar array panels shall be installed according to NFPA-1 and 101 (see #4b.3).

8. Standards for CSES and ISES Permits:

- a.** A permit for a CSES or ISES, including all components that comprise the system, shall be granted only in a zoning district in which such a facility is allowed (per §11-8.9.D - Table of Uses), and only upon proof of right, title, or interest, such as ownership, easement, lease, or purchase option for the location being considered.
- b.** A site location map shall be provided which shows the boundaries of the proposed facility, property boundary lines, contiguous properties under the total or partial control of the applicant, scenic resources or historic sites within one mile of the proposed development, and any significant wildlife habitat (per MeDEP under the Site Location of Development Act and/or the Natural Resource Protection Act) which may be impacted.
- c.** There shall be written evidence in the form of letter copies that all applicable State regulatory agencies with jurisdiction over the project have been notified of the pending application and the location of all system components covered by the application.
- d.** All ISES panel arrays and/or modules shall be setback from the property boundaries by two hundred (200) feet. In no case may the setback be less than the required setback distance in any shoreland areas where the system is to be installed. The setback distances do not apply to contiguous properties that are part of the same development. Best Engineering Practices shall be utilized in determining the optimal placement within the above requirements.
- e.** All CSES shall be setback from abutting property lines, utility lines, and/or public roads or right-of-way by a distance no less than the standard structural setback distance applicable in the zoning district where the system is to be installed and shall meet the setbacks per NFPA-1 and 101 for roof-mounted panels. Best Engineering Practices shall be utilized in determining the optimal placement within the above requirements.
- f.** All CSES and ISES, whether ground or building mounted, shall comply with the structural height restrictions in the applicable zoning district.
- g.** The application shall include a description of the proposed CSES or ISES facility to include all non-proprietary manufacturer's specifications for the solar panels, components, controls, and other equipment, sound emission levels, normal and emergency operational shutdown procedures, the number and individual ratings of panels in the array and/or modules, and the aggregate generating capacity of the total system. A description of all associated facilities shall also be included.
- h.** To the greatest practical extent, CSES and ISES shall possess a manufactured finish appropriate to and compatible with the surroundings, with reflective characteristics that minimize negative visual impacts. The Planning Board may require photos of the existing proposed site from various locations and similar photos from the same locations with the system superimposed to aid in

evaluating the visual impact and will take into consideration the limitations of available manufactured finishes.

- i. All ground-mounted electrical and control equipment for CSES and ISES shall be fenced and labeled or secured to prevent unauthorized access. The solar array and/or modules shall be designed and installed to prevent access by the public, and access to same shall be through a locked gate.
- j. All electrical wires and utility connections for CSES and ISES, except roof-mounted and/or wall-mounted CSES, shall be installed underground. The Planning Board, after thorough review of the application, may adjust this requirement if the soil conditions, shape, and topography of the site do not meet utility industry standard requirements for underground installation. Electrical transformers for utility interconnections may be above ground if required by the utility provider. It is the intent of this requirement that all utility connections be installed underground, and any adjustment can only be authorized sparingly.
- k. Exterior lighting for CSES and ISES shall be limited to that required for safety and operational purposes, and shall meet the performance standards for same in §11-8.11.F.
- l. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a solar panel array and/or modules, building, or other structure associated with a CSES and ISES shall be prohibited. No CSES or ISES shall have any signage, or writing or pictures that may be construed as advertising placed on it at any time.
- m. The CSES or ISES applicant shall certify that they will comply with the utility notification requirements contained in Maine law and accompanying regulations through the Maine Public Utility Commission, unless the applicant intends, and so states on the application, that the system will not be connected to the electricity grid.
- n. All CSES and ISES shall not exceed 60 dB(A), as measured at the property line.
- o. The installation of a CSES or ISES shall be appropriate to the surroundings and shall be located according to Best Engineering Practices. The application shall include site line, photographic and, if applicable, screening information to aid the Board in evaluation of the environmental and visual impact of the construction and operation of the system. All ground-mounted systems shall also be enclosed within an eight (8) foot tall fence with locking gate.
- p. All CSES and ISES shall be installed so as not to cause any wire or wireless communication signal disturbance.
- q. The owner of a roof-mounted CSES or ISES shall provide evidence certified by a licensed engineer that the roof structure is capable of supporting the additional load of system.

- r. All CSES and ISES shall be situated to eliminate concentrated glare onto abutting structures and roadways.
- s. No CSES and ISES shall be constructed in the 100-year Floodplain as depicted on the FEMA NFIP-FIRM maps for the Town of Farmington.
- t. All CSES and ISES roof-mounted solar array panels shall be installed according to NFPA-1 and 101 (see #4b.3).
- u. Lots on which ground-mounted solar panels and arrays are located shall utilize buffers/screening from roads and residences by plantings, berms, and natural topographical features. Ground-mounted solar energy systems shall be screened from view to the greatest extent practical of any adjacent property that is residentially zoned or used for residential purposes, as well as any public way. The screen shall consist of a native species vegetative barrier which provides a visual screen. In lieu of a vegetative screen, a fence that provides visual screening, and meets requirements of the controlling ordinance, may be allowed only if a vegetative screen is deemed impractical by the Planning Board.
- v. Decommissioning of the entire facility will begin if twelve (12) consecutive months if no generation occurs at the facility after it has gone online and fully operational, unless the Select Board approves an extension of time of up to twelve (12) months due to extraordinary circumstances.

In order to facilitate and ensure appropriate removal of the energy generation equipment of a CSES or ISES when it reaches the end of its useful life, or if the applicant ceases operation of the facility, applicants are required to file a decommissioning plan which details the means by which decommissioning will be accomplished. This plan must include a description of implementing the decommissioning, a description of the work required, a cost estimate for decommissioning, a schedule for contributions to its decommissioning fund, and a demonstration of financial assurance.

In the event of a force majeure or other event which results in the absence of electrical generation for twelve months, by the end of the twelfth (12) month of non-operation the applicant must demonstrate to the Town that the project will be substantially operational and producing electricity within twenty-four (24) months of the force majeure or other event. If such a demonstration is not made to the Town's satisfaction, the decommissioning must be initiated eighteen months after the force majeure or other event. The Town considers a force majeure to mean fire, earthquake, flood, tornado, or other acts of God and natural disasters, and war, civil strife or other similar violence.

The applicant will provide financial assurance for the decommissioning costs in the form of a performance bond or a surety bond, for the total cost of decommissioning. The applicant will have the financial assurance mechanism in place prior to construction and will re-evaluate the decommissioning cost and financial assurance at the end of years five, ten and fifteen. Every five (5) years after the start of construction, updated proof of acceptable financial assurance

must be submitted to the Town for review. Proof of acceptable financial assurance will be required prior to the start of commercial operation.

9. Permit Fees: Application for a PRSES shall be accompanied by a fee of fifty (\$50.00) dollars. An application for a CSES or ISES permit shall be accompanied by a fee of five hundred (\$500.00) dollars.

10. Expiration of Approval: All PRSES, CSES, and ISES approvals shall expire within one (1) year of the date of issuance unless work thereunder is commenced. Normally, if work is not completed within two (2) years from the date of issuance, a new application must be made (See 11.). The CEO shall make determinations regarding commencement and completion. All CSES and ISES approvals shall expire upon decommissioning (See 7.s).

11. Extension of Approval: PRSES, CSES, and ISES approvals may be extended for one (1) year from the date of issuance by the CEO for projects not commencing within one (1) year of initial Board approval. Written extension requests must be submitted to the CEO at least forty-five (45) days before the one (1) year expiration. Proposal approvals which are granted a one (1) year extension from the date of issuance shall also have their completion date extended by one (1) year.

Before extending an approval, the CEO must determine that extenuating circumstances beyond the control of the applicant exist. Extenuating circumstances may include but are not limited to: procurement of financing; legal issues; availability of materials; availability of qualified contractors; and adverse weather conditions.

12. Extension of Completion Date: The CEO may extend the completion date of a commenced approved project by one (1) year beyond the allotted two (2) years. In determining this extension, the CEO shall consider factors such as, but not limited to: financial hardship; legal difficulties; site condition problems; contract delay; disruption in supply of labor and/or materials; or personal issues.

13. Exemptions: All solar energy systems constructed prior to the effective date of these performance standards (November 22, 2016) shall not be required to meet the terms and conditions of same. Any physical modification that expands a PRSES, CSES, or ISES, whether or not existing prior to the effective date of these performance standards, shall require approval. Routine maintenance or replacements do not require a permit.

14. Definitions:

Private Residential Solar Energy Systems (PRSES): An area of land or other area used for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for on-site residential use, and consisting of one or more free-standing, ground-mounted or roof-mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility power and/or fuels. PRSES can be up to two thousand (2,000) square feet in surface area, with a rated nameplate capacity of up to 20kW.

Commercial Solar Energy Systems (CSES): An area of land or other area used by a business for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for on-site commercial use, and consisting of one or more free-standing, ground-mounted or roof-mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce on-site consumption of utility rated nameplate capacity of up to 250 kW.

Industrial Solar Energy Systems (ISES): An area of land or other area used by a property owner and/or corporate entity for a solar collection system principally used to capture solar energy, convert it to electrical energy or thermal power, and supply electrical or thermal power, primarily or solely for off-site utility grid use, and consisting of one or more free-standing, ground-mounted, solar arrays or modules, or solar related equipment, intended to primarily reduce off-site consumption of utility power and/or fuels. ISES can be up to eight hundred (800) acres in surface area, with no limit on the surface area or the rated nameplate capacity of an ISES.

L. Odor Nuisance Control & Abatement

1. **Purpose.** The Town finds that because most odorous pollutants have a complex chemical composition and may elicit a broad spectrum of responses by the receptors, special methods must be employed in their measurement and characterization. Although analytical data are more precise and may be useful in identifying a source, it is the human response or the sensory data that is most critical in determining the necessary degree of odor control. Analytical data may be used to specify permissible emission levels from a source, but sensory data must be employed to assess the impact in the surrounding community. The latter is the Town's primary concern.
2. **Administration and Enforcement.** The Code Enforcement Officer of the Town of Farmington shall initially and primarily administer and enforce this Performance Standard until such time any violation is forwarded to the Town's Attorney to force compliance.
3. **Severability.** If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions.
4. **Farm Odors.** Nothing in this performance standard shall be construed to limit any protection afforded to odor generating farming practices under either State or Town Right-To-Farm law and ordinance, as long as said farming practices are in compliance with said Right-To-Farm law and ordinance.
5. **Objectionable Odor Determination.** An odor will be deemed objectionable and a public nuisance when any of the following occurs:
 - a. It creates a public nuisance at common law; or

- b. The erection, continuance or use of any building or place for the exercise of trade, employment or manufacture which, by noxious exhalations or offensive smells, become injurious and dangerous to the health, comfort or property of individuals or the public; or
 - c. All members of a panel consisting of the Code/Planning Department and four (4) residents of the Town, appointed by the Select Board to assist the Code/Planning Department in investigating complaints and who are not aggrieved by the source, determine following concurrent personal observation, that the odor at the property line of the source based on Town Tax Maps or elsewhere in the Town is objectionable, and/or negatively impacts public health and/or welfare, and/or interferes with enjoyment of life and/or property use of affected parties, taking into account its nature, and/or concentration, and/or location, and/or volume, and/or level, and/or character, and/or degree, and/or duration, and are able to identify the source.
- 6. Observation Procedures.** Odor observation shall be undertaken to arrive at a determination that an objectionable odor exists at or beyond the property line, or at or near places where people live or work.
- 7. Compliance.** No odor source, land use, facility, or activity shall be exempt from complying with the odor management standards contained in this Performance Standard because of grandfathering or because of being an existing use, facility, or activity at the time the standards were enacted. The odor standards apply to all existing and future odor sources, land uses, facilities, and activities in the Town, except as otherwise provided herein.
- 8. Enforcement.** In the event that the Code/Planning Department receives complaints that smells or odors are detectable beyond the property line, the following process shall be used to correct the odor problem:
- a. Within seven (7) days of receiving a complaint, the Code/Planning Department shall investigate the property to assess the situation and discuss odor compliance with the business operator, including but not limited to asking the business operator what is being done to mitigate odors. If the Code/Planning Department detects odor beyond the property lines and/or the operator indicates that its own odor management provisions are not being followed, the Code/Planning Department shall provide verbal notice of violation to the operator and instructions to comply with odor management provisions and require the operator to notify the Code/Planning Department of conformance within ten (10) days.
 - b. If complaints persist and/or the Code/Planning Department continues to observe an odor issue, the Code/Planning Department shall assemble the panel authorized as described above to investigate the complaints. If the Code/Planning Department and the panel observe odor issues after the ten (10) day period as described above, the Code/Planning Department shall notify the

operator of violation in writing and require notification of conformance within ten (10) days.

- c. If complaints persist and/or the Code/Planning Department and the panel continue to observe odor issues after the ten (10) day period described above, the Code/Planning Department shall provide a second written notice of violation, and require the operator to submit a written report from a mechanical engineer with recommendations for modification/improvement of the ventilation system within forty-five (45) days and installation of recommendations and notice of compliance within sixty (60) days.
- d. If the operator has not submitted the required report within forty-five (45) days, or if the operator has not submitted evidence of compliance within sixty (60) days described above, the Code/Planning Department shall provide a third written notice of violation.
- e. If the operator has not submitted required report within sixty (60) days described above or if the operator has not submitted evidence of compliance within seventy-five (75) days, the Code /Planning Department shall forward the matter to the Town's Attorney, in order to obtain a court order forcing compliance by the operator, including temporary cessation of the business operations and the imposition of fines and/or penalties.

M. Homeless Shelter:

- 1. **Purpose:** It is the purpose of these performance standards to allow for and regulate the operation of Homeless Shelters in order to protect the public health, safety, and welfare of the community and not adversely impact the abutters by its existence.
- 2. **Non-conformance:** See Article 11-8.10
- 3. **Definitions:**

Applicant: Shall mean a person that has submitted an application for licensure as a Homeless Shelter pursuant to these standards.

Homeless Shelter: A facility, the primary purpose of which is to provide temporary accommodations to homeless persons, free of monetary charge or at nominal cost, in dormitory-style or barracks-style arrangements, or any combination of such arrangements. Accommodations are provided on a temporary basis, meaning that the facility is intended to serve as a refuge and a bridge between homelessness and residency in a suitable fixed location. Such facility also provides, in addition to shelter, support services such as food, hygiene, laundry, staff offices, meeting rooms for counseling, job training, and referrals to other agencies.

Licensed Premises: Shall mean the premises specified in an application for a license pursuant to these Standards or within a license issued pursuant to these Standards.

Licensee: Shall mean a person licensed by the Select Board pursuant to these Standards.

Licensing Authority: Shall mean the Select Board.

Owner: Shall mean a person whose beneficial interests in a Homeless Shelter is such that the person bears risk of loss other than as an insurer and/or has a controlling interest in a Homeless Shelter.

Person: Shall mean a natural person, trust partnership, association, company, corporation, limited liability company or organization, or a manager, agent, owner, director, servant, officer, trustee, or employee thereof. "Person" does not include any governmental organization.

Premises: Shall mean the physical location at which a Homeless Shelter is to conduct its business.

- 4. Standards:** A Homeless Shelter is allowable in all zone districts with Planning Board Approval and Select Board licensing. All provisions of the Zoning Ordinance pertaining to the applicable zone shall be met. In addition, all the following standards shall apply:
- a.** The maximum number of Homeless Shelter beds allowed in the Town of Farmington is thirty-two (32) excluding facilities exclusively devoted to domestic violence survivors.
 - b.** All Homeless Shelters shall operate such that residents are permitted to occupy the shelter twenty-four (24) hours per day, seven (7) days per week, fifty-two (52) weeks per year.
 - c.** All Homeless Shelters shall not allow alcohol, marijuana, drugs or other non-prescribed medication use on the premise.
 - d.** All Homeless Shelters shall not allow convicted sex offenders.
 - e.** No-barrier Homeless Shelters shall have twenty-four (24) hours per day, seven (7) days per week, fifty-two (52) weeks per year on-site supervision.
 - f.** All Homeless Shelters shall provide information and referrals onsite for life skills and assistance in finding permanent housing.
 - g.** There shall be adequate off-street parking on the premises for staff and client use.
 - h.** There shall be a designated outside gathering and smoking area that doesn't generate any nuisance consisting of offensive noise or odors.

- i. All Homeless Shelter clients are prohibited from sleeping outside on shelter property.
- j. A Homeless Shelter shall submit a management plan including, but not limited to, compliance with Maine State Housing Authority (MSHA) requirements for emergency shelters.

5. Application Submission Requirements:

- a. Each applicant for a Homeless Shelter license shall complete and file an application on the form provided by the Code Office, together with all applicable application fees and the following support materials:
 - 1) Attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement, trust declaration, or articles of association that govern the entity that will own and/or operate the Homeless Shelter.
 - 2) An affidavit that identifies all owners, officers, members, managers, beneficial owners, trustees, or partners of the Applicant, their ownership interests.
 - 3) Evidence of all State approvals required to operate the Homeless Shelter, including, but not limited to, any applicable food license.
 - 4) A description of the premises for which the license is sought, including a plan of the premises.

6. Licenses and Permits Required: No person shall establish a Homeless Shelter without first being approved, authorized, certified, permitted or licensed by, but not limited to, the Town of Farmington, and the Maine State Fire Marshal's Office (FMO).

7. Approvals Required: Site Review approval by the Farmington Planning Board

- a. The Planning Board shall have the authority to impose any conditions on an application that may be reasonably necessary to ensure compliance with the requirements of these Standards.

8. Licenses Required: Homeless Shelter licenses are issued by the Farmington Select Board.

- a. All Homeless Shelter licenses, whether new or renewal, shall be approved only for the type(s) of shelter(s) identified in the application.
- b. Each license issued by the Licensing Authority under these Standards shall be valid for a term of five (5) years.
- c. Applications for renewal licenses shall be submitted at least ninety (90) days prior to expiration of the existing term.

- d. A Licensee who intends to expand the number of beds of a licensed Premises shall notify the Town. A Licensee who intends to convert the licensed Premises to a type of Homeless Shelter that was not approved in a license shall notify the Town.
- e. A license application and renewal for a Homeless Shelter may be denied by the Licensing Authority, and an existing license may be suspended or revoked by the Licensing Authority after notice and hearing, if the Applicant, or any Owner of the Applicant or Licensee:
 - 1) Substantially fails to meet the requirements of these Standards, or
 - 2) Has provided material false or material misleading information in connection with the application for the license, or
 - 3) Is in violation of any other Town of Farmington ordinance, State law, or federal law regulation, and has failed to correct the violation within the period of time prescribed by the relevant enforcement agency.

11- 8.12. Appeals:

Administrative appeals and variance applications submitted under this Ordinance shall be subject to the standards and procedures established by the Town of the Farmington Board of Appeals Ordinance.

Any person aggrieved by the action of the Code Enforcement Officer or the Board may appeal to the Board of Appeals by filing a notice of appeal within thirty (30) days after receipt of the Code Enforcement Officer or the Board's notification.

11 – 8.13. Amendments:

A. Initiation of Amendments: An amendment to this Ordinance may be initiated by:

- 1. The Select Board, provided a majority of the Select Board has so voted; or
- 2. Written petition of a number of voters equal to at least ten percent (10%) of the number of votes cast in the municipality at the last gubernatorial elections.

B. Hearings:

The Select Board shall hold a public hearing on the proposed amendment in accordance with 30-A M.R.S. §4352 (9). Notification of the hearing shall be posted and advertised twice in a newspaper of general circulation in the municipality. The date of the first publication must be at least fourteen (14) days before the hearing and the second notification must be at least seven (7) days before the hearing. Notice of the hearing must be posted in the municipal office building at least fourteen (14) days before the hearing. Notice must be also sent to the owner(s) of the property to be rezoned and to the owners of all property abutting the property to be rezoned at the owners' last known address.

Additional notification is required if the area to be rezoned is in the Wellhead Protection Zone or is to be re-zoned as resource protection (Shoreland Zoning).

C. Source Water Protection Area:

If the area to be re-zoned is in the Wellhead Protection area, the public drinking water supplier shall be notified by regular mail.

D. Resource Protection Area (Shoreland Zoning):

If the area to be re-zoned is resource protection, the municipality shall provide written notification to landowners whose property is being considered by the municipality for placement in a resource protection zone. Notification to landowners must be made by first-class mail to the last known addresses of the persons against whom property tax on each parcel is assessed fourteen (14) days before the Select Board votes to establish a public hearing on adoption or amendment of a zoning ordinance or map that places the landowners' property in the resource protection zone.

Once a landowner's property has been placed in a resource protection zone, individual notice is not required to be sent to the landowner when the zoning ordinance or map is later amended in a way that does not affect the inclusion of the landowner's property in the resource protection zone.

The municipal officers shall prepare and file with the municipal clerk a sworn, notarized certificate indicating those persons to whom notice was mailed and at what addresses, and when, by whom and from what location notice was mailed.

E. Adoption of Amendment:

An amendment of this Ordinance shall be adopted by a majority vote of a Town Meeting.

11 – 8.14. Enforcement:

A. Nuisances:

Any violation of this Ordinance shall be deemed to be a nuisance.

B. Code Enforcement Officer:

1. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

2. The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of the Ordinance.
3. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

C. Legal Actions:

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon receiving written notification from the CEO, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including injunctions of violations and the impositions of penalties and/or fines in order to enforce the provisions of this Ordinance.

The Municipal officers or their authorized agent are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action.

D. Penalties/Fines:

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance, or upon failure to comply with any of its requirements, shall be penalized in accordance with title 30-A M.R.S. §4452. The owner or tenant of any building, structure, premises, or part thereof and any architect, builder, contractor, agent, or other person who commits, participates in, or maintains such violation may be found guilty of a separate offense and be subject to the penalties herein provided.

Town of Farmington Zoning Map

