

## **SUBCHAPTER VI – PERFORMANCE STANDARDS**

The standards in this Subchapter shall apply to all new or expanded uses of land and buildings, which are listed as Permitted or Conditional Uses in Subchapters II, III, and IV of this Chapter.

### **SECTION 9-601      ACCESSORY BUILDINGS**

No garage or other non-residential accessory structure shall be located in a required front yard setback. When located to the rear of the main building, the accessory structure shall be set back at least ten (10) feet from the side or rear lot lines, provided that all accessory structures, other than those that are water oriented, shall meet the shoreland setback requirements of the district in which they are located.

[Derivation: 1989 Zoning Ordinance, Section 5.1; Ord. No. 25-07, eff. 11/20/2025]

### **SECTION 9-602      ADULT BUSINESS ESTABLISHMENTS**

1.    Findings and Purpose. The Council hereby finds that because of their unique and potentially offensive nature, adult business establishments can have a blighting influence on the surrounding neighborhood if permitted in certain districts or if allowed to concentrate in certain other districts within the City. Moreover, such establishments are incompatible with uses characterized by family and youth related activities. The purpose of this subsection is, therefore, to prevent such deleterious effects and, thus, protect public health, safety, and general welfare by regulating the location and certain other aspects of adult business establishments as defined in Section 9-151(4).
  
2.    Requirements:
  - A.    Adult business establishments shall be at least one thousand (1,000) feet from any other adult business establishment, and at least two hundred fifty (250) feet from the nearest property line of any public, private or parochial school, church, synagogue or similar place of worship, public library, playground, or child care facility, and at least two hundred fifty (250) feet from any Residential District (R1, R2, and R3) or the Historic District as measured in a straight line without regard to intervening structures or objects; and
  
  - B.    No sexually explicit materials, entertainment or activity shall be visible from the exterior of the premises.

[Derivation: Section 5.1-A, 1989 Zoning Ordinance as adopted; Ord. No. 12-10, eff. 10/19/2012; Ord. No. 21-03, eff. 06/17/2021]

**SECTION 9-603**      FARMING AND KEEPING FARM ANIMALS

The keeping or raising of animals for any commercial purpose and according to the “best management practices” of the Maine Department of Agriculture, may be conducted as a permitted use in the Rural Farm District.

[Derivation: Section 5.2, 1989 Zoning Ordinance as amended 2/10/92; Ord. No. 13-01, eff. 1/17/2013]

**SECTION 9-604**      ANTENNAS

Any antenna erected or constructed whether or not it is on or in or part of a tower shall be subject to the standards set forth for towers in Section 9-640, Subsections 3 and 6.

[Derivation: Section 5.2-A, 1989 Zoning Ordinance as adopted 9/28/92]

**SECTION 9-605**      BED & BREAKFAST

1. There shall be at least one parking space for each rental room in addition to the spaces required for the dwelling unit.
2. There shall be at least one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.
3. Each rental room shall have not less than ten by twelve feet horizontal dimensions.
4. Each rental room shall be equipped with an approved smoke detector.
5. Secondary building exits shall be provided for emergency use in conformance with State and local fire and building codes.

[Derivation: Section 5.3, 1989 Zoning Ordinance]

**SECTION 9-606**      CAMPGROUNDS

1. Campgrounds shall conform to the minimum requirements imposed under State Licensing Procedures and the following:
  - A. Recreational vehicle and tenting areas shall contain approved water-carried sewage facilities and shall meet the following criteria:
    - (1) Each recreational vehicle, tent, or shelter site shall contain a minimum of one thousand (1,000) square feet, not including roads and driveways, except it shall be five thousand (5,000) square feet when within two hundred and fifty (250) feet of normal high water mark of any stream or pond.

- (2) Each recreational vehicle, tent, or shelter site shall be provided with a picnic table, trash receptacle, and fireplace or cooking grill.
- B. The area intended for placement of the recreational vehicle, tent or shelter and utility and service buildings, shall be set back a minimum of one hundred (100) feet from the exterior lot lines of the camping area.
- C. All campgrounds shall be screened from adjacent land areas by a continuous landscaped area not less than twenty-four (24) feet in width containing evergreen shrubs, trees, fences, walls or any combination which forms an effective visual barrier of not less than six (6) feet in height.
- D. Roads, parking, campsites and required facilities shall be planned and shall be shown on the proposed plan which is submitted for review and approval as a Conditional Use.
- E. A soil erosion and sedimentation control plan prepared in consultation with the Maine Soil and Water Conservation Commission or registered soil scientist or engineer, shall be submitted. In addition to data on soils, slopes and drainage, a vegetation map showing the following items may be required.
  - (1) The major types of vegetation shall be identified and described (as to age, height, openness or density, and pattern – either natural or reforested).
  - (2) New planting shall be selected to provide screening and shelter, to tolerate existing and proposed site conditions, and to blend compatibly with existing natural vegetation.
  - (3) All vegetative clearing shall avoid creating straight line edges between open land and surviving stands in order that the development better blend into the existing area.
  - (4) Areas of activity and/or traffic shall be sited to avoid wildlife areas (such as thickets for birds and small mammals, or deer yards and trails).

[Derivation: Section 5.4, 1989 Zoning Ordinance]

**SECTION 9-607**      CHILD CARE CENTERS

1. All outside play equipment shall be located in side or rear yards and shall meet the required side and rear setback requirements.
2. Outside play areas shall be buffered from adjoining uses by fencing at least 4 feet in height or plantings at least 4 feet in height.

[Derivation: Section 5.5, 1989 Zoning Ordinance]

**SECTION 9-608**      CLUSTER AND PLANNED UNIT DEVELOPMENTS

1. Purpose. The purpose of this provision is to allow for new concepts and greater flexibility in site planning and housing design. To this end, dimensional and area requirements of each district except the Resource Protection and Open Space Districts may be altered in conformance with this section. This shall not be construed as granting variances to relieve hardship.
  - A. A residential subdivision development proposal or a mixed commercial and residential subdivision development proposal encompassing at least 5 acres but less than 10 acres may be laid out and presented to the Planning Board as a cluster or planned unit development proposal.
  - B. A residential development subdivision proposal or a mixed commercial and residential subdivision development proposal encompassing 10 acres or more shall be laid out and presented to the Planning Board as a cluster or planned unit development proposal. This requirement shall not apply if the proposed development is subdivided into lots of 2 acres or more in size.

[Derivation: Ord. No. 12-11, eff. 10/19/2012]

2. Basic Requirements:
  - A. The Planning Board shall review all clustering and planned unit development proposals under the Conditional Use Procedures of this Chapter.
  - B. All cluster and planned unit developments shall meet the requirements for a subdivision except those relating to set-backs, certain frontage requirements, road widths, lot area per dwelling unit, and lot sizes. The Board shall conduct cluster or PUD site review and the subdivision review simultaneously.
  - C. Any use of land within the development shall conform to uses allowed in the District in which development is proposed.
  - D. Building set-backs from public roads or adjacent property shall not be reduced, except as provided by paragraph J below.
  - E. The distance between the foundations of any two main buildings shall not be less than the height of the higher of such two main buildings.
  - F. All dwelling units in a cluster or PUD shall be connected to a common water supply and distribution system, either public or private.
  - G. All structures with required plumbing in a cluster or PUD shall be connected

to a public sanitary sewer, if available, or to a central collection and treatment system or to a clustered leaching field system in accordance with the Maine State Subsurface Wastewater Disposal Rules, unless the applicant can clearly demonstrate that another alternative will adequately treat wastewater generated by the project.

- H. All utilities shall be installed underground wherever economically feasible. Transformer boxes, pumping stations, and meters shall be located so as not to be unsightly or hazardous to the public.
- I. It shall be the responsibility of the developer or subsequently established owners association to provide for rubbish removal and disposal, snow removal, and site maintenance. All outdoor storage areas for waste collection shall be enclosed by a wooden or masonry structure at least 4 feet in height, and shall be protected by a roof and door.
- J. A cluster or PUD may be exempted from applicable street frontage, road width, lot area per dwelling unit, or lot size requirements of this Chapter, if the development provides for a common open space that is of a size and purpose that reasonably relates to the location of the development in light of the characteristics of the surrounding neighborhood, and the size and design of the development proposal. In addition, a cluster or PUD may be exempted from applicable street setback requirements from internal streets within the development and for side and rear setback requirements within the development but shall comply with the setback requirements for units adjacent to the perimeter of the development. Such open space, which shall not include paved areas for parking, streets, or walkways, shall be no less than 50% of the entire land area. Except as otherwise provided in this paragraph, the open space shall not be considered to meet this requirement if it is land otherwise unsuitable for building, such as steep slopes, swales, and wetlands. Steep slopes, swales and wetlands may be included in meeting the 50% open space requirement if the applicant demonstrates that the open space will be used for farming. The requirements of the Street Design Ordinance shall be met.

[Derivation: Ord. No. 12-10, eff. 10/19/2012]

3. Siting and Buffering Standards:

- A. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, south facing slopes (where possible) and natural drainage areas, in accordance with an overall plan for site development and landscaping. A site inspection shall be conducted by the Board prior to approval. Approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, except deminimus changes as determined by the Code Enforcement Officer which do not affect approval standards, is subject to the

review and approval of the Planning Board prior to implementation.

- B. Buildings shall be designed and laid out to protect bedroom windows from light invasions by vehicle headlights or glare from existing outdoor lighting or illuminated signs, insofar as practicable.
- C. Where parking spaces or storage areas are located in areas abutting existing residential properties, a permanent wood or masonry screen at least four feet high shall be erected along the property line in addition to the green perimeter strip described below.
- D. A green perimeter strip not less than twenty (20) feet wide shall be maintained with grass, bushes, flowers, or trees all along side lot or rear lot lines of the property as a whole, and (except for entrance and exit driveways) along the entire front of such lot. Such green strip shall not be built on or paved or used for parking or storage. There shall be no removal of trees over 4 inches in diameter within this buffer.
- E. Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion unless the existing vegetation includes non-native, invasive species listed in Section 9-621 of this Ordinance. If there are any non-native, invasive plants within these areas, these plants may be removed and replaced with non-invasive species. The Board shall require a developer to take appropriate measures to prevent and correct soil erosion in the proposed development.

[Derivation: Ord. No. 09-02, effective 3/19/2009; Ord. No. 25-07, eff. 11/20/2025]

4. Dedication and Maintenance of Common Open Space and Facilities:

- A. All open space and common land and facilities shall be owned jointly or in common by the owners of the building lots or units, by a unit owners association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, by a non-profit association, or by the City of Hallowell, or by another entity.
- B. Further subdivision of open space or common land or its use other than for agricultural use, recreation or conservation, except for easements for underground utilities, shall be prohibited. Only structures or buildings accessory to such uses may be erected on the common land.
- C. The open space and common land and facilities shall be shown on the development plan with appropriate notations to indicate that:
  - (1) It shall not be used for future building lots; and that
  - (2) The common open space shall be maintained by a unit owners association or other entity, or if the whole or a portion is accepted by

the City, operated by the City as a public recreation facility.

- D. If any or all of the common land and facilities are to be owned jointly or in common by the owners of the building lots or units, the formation and incorporation by the developer of a unit owners association shall be required, and the bylaws of the proposed association shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to the Final Plan approval.
- E. The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of the common land, private roads, sewerage disposal, landscaping, recreational facilities and other commonly used system and City assessments.
- F. The developer or subdivider shall maintain control of such common areas, open space and facilities, and be responsible for its maintenance until development sufficient to support the association has taken place, or alternatively, the objectives of clustering have been met. Such determination shall be made by the Board upon request of the unit owners association or the developer or subdivider.

[Derivation: Section 5.6, 1989 Zoning Ordinance]

5. Commercial Uses.

- A. Commercial activity may be conducted within a Planned Unit Development, if such activity is confined to retail business, financial institutions, and professional services providing goods and services to the residents of the Planned Unit Development.
- B. The Planning Board may as part of an approved conditional use permit establish reasonable conditions with respect to each commercial use within a Planned Use Development, including requirements for limitations on times of operation, area and size of facilities, and means of restricting services to, and identifying, residents of the Planned Use Development.

[Derivation: Ord. No. 97-4 Eff. 10/23/1998]

**SECTION 9-609**      CORNER LOTS

The setbacks on a corner lot shall be the front yard setback from the building to the street rights of way in both directions.

[Derivation: Section 5.7, 1989 Zoning Ordinance]

**SECTION 9-610**      DUMPSTER

Dumpsters shall be designed, maintained and regularly emptied so that they are secure, safe, covered and leak-proof, and so that they do not leak, attract animals or emit noxious odors. Dumpsters may not be placed within, or otherwise obstruct or impair, access to any public right of way. All dumpsters for the temporary storage of household and/or commercial waste shall be screened by a 6-foot high fence or 6-foot plantings which are of a type to form an effective visual barrier. With the written approval of the Code Enforcement Officer, screening of dumpsters shall not be required if there is a clearly demonstrated need for a dumpster together with a clearly demonstrated constraint which would make screening impractical or impossible. A dumpster may be temporarily placed in any safe location on private property during construction or demolition activities or as otherwise needed for short-term use, without the need for screening. Temporarily placed dumpsters shall be removed upon completion of the project for which they are being used, but in no case shall a temporary dumpster remain in place for more than 180 days except by approval of the Code Enforcement Officer.

[Derivation: Section 5.8, 1989 Zoning Ordinance; Ord. No. 07-13, eff. 10/19/2007; Ord. No. 18-09, eff. 06/21/2018]

**SECTION 9-611**      DUST, FUMES, VAPORS, AND GASES

Emission of dust, dirt, fly ash, fumes, vapors or gases, which could damage human health, animals, vegetation, or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating such emission, shall be prohibited. All such activities shall also comply with applicable Federal and State laws and regulations.

[Derivation: Section 5.9, 1989 Zoning Ordinance]

**SECTION 9-612**      EROSION CONTROL

Erosion of soil and sedimentation of watercourses and water-bodies shall be minimized by employing the following "best management" practices:

1. Stripping of vegetation, soil removal, and regrading or other development shall be accomplished in such a way as to minimize erosion.
2. The duration of exposure of the disturbed area shall be kept to a practical minimum.
3. Temporary vegetation and/or mulching shall be used to protect exposed areas during development.
4. Permanent (final) vegetation and mechanical erosion control measures, in accordance with the standards of the County Soil and Water Conservation District and the Maine Soil and Water Conservation Commission, shall be installed as soon as possible after construction ends.
5. Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the

use of debris basins, sediment basins, silt traps, or other acceptable methods as determined by the Planning Board, Board of Appeals or Code Enforcement Officer, whichever has the authority to make such decisions on the project.

6. The top of a cut or the bottom of a fill section shall not be closer than ten feet to an adjoining property, unless otherwise specified in this Ordinance or specified by the Planning Board, the Board of Appeals, or Code Enforcement Officer.
7. During grading operations, methods of dust control shall be employed wherever possible.

[Derivation: Section 5.10, 1989 Zoning Ordinance]

8. No plant materials installed on any site as part of erosion control measures shall include plants that are listed as being an invasive species in Section 9-621 of this Ordinance unless the Planning Board determines that the species is not an invasive species in Maine.

[Derivation: Ord. No. 09-02, effective 3/19/2009]

#### **SECTION 9-613      EXPLOSIVE MATERIALS**

All flammable or explosive liquids, solids or gases shall be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate Federal and State regulations.

[Derivation: Section 5.11, 1989 Zoning Ordinance]

#### **SECTION 9-614      EXTRACTIVE INDUSTRY**

1. The purpose of this Section is to allow the extraction and processing of valuable sand, gravel, rock, soil, peat, or other mineral deposits with a minimum of adverse impact upon ground waters, surface waters, and neighboring properties.
2. Approval as Conditional Use:
  - A. The excavation, processing or storage of soil, top-soil, peat, loam, sand, gravel, rock or other mineral deposits shall be approved by the Planning Board as a conditional use prior to commencing any such operation.
  - B. The following earth-moving activities shall be allowed without approval as a conditional use:
    - (1) The removal or filling of material incidental to construction, alteration or repair of a building or accessory structure or in the grading and landscaping incidental to such construction, alteration or repair.
    - (2) The removal or filling of material incidental to construction, alteration or repair of a public or private way or public utility.

- (3) The excavation, processing or storage of less than one hundred (100) cubic yards of material on a parcel within any 12 month period.
  - (4) Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance. A Conditional Use permit from the Planning Board shall be required for mineral exploration which exceeds the above limitations.
3. Application for Conditional Use Approval. Application for conditional use approval by the Planning Board shall include:
- A. A sketch plan which shows:
    - (1) The name and address of the owner of the property involved;
    - (2) The name and address of the operator who will undertake the earth moving activity, if different from the property owner;
    - (3) The location and boundaries of the lot or lots for which approval is requested;
    - (4) The names of the owners of all parcels of land directly abutting or directly across any street adjoining the property for which approval is requested;
    - (5) The location of all proposed access roads and temporary or permanent structures;
    - (6) The location of all natural or man-made water bodies within the proposed site or within 150 feet of the proposed site;
    - (7) The topography of the proposed site shown with contour lines with a contour interval of not more than five (5) feet; and
    - (8) The specific location of the proposed earth movement with an indication of the degree to which earth movement activity will occur within specified time intervals.
  - B. Written statements and/or sketch plans which detail:
    - (1) The location and nature of proposed fencing, buffer strips, signs, lighting, parking and loading areas;
    - (2) The proposed method of earth movement;
    - (3) The estimated duration, regularity and working hours of the proposed operation;

- (4) Plans to control erosion and sedimentation during the operation;
  - (5) Plans to stabilize unstable slopes;
  - (6) Plans to store and/or remove stripped vegetation and topsoil;
  - (7) Plans for the rehabilitation and restoration of the site upon completion of the operation including the timing of such site restoration, the final grade, and methods to control erosion and sedimentation both during and after reclamation activities;
  - (8) The effect of the proposed activity on existing and foreseeable traffic patterns in the City; and
  - (9) A narrative description of the operation, including the size of the operation, the number of trucks, and how and by what routes the extracted material is to be moved.
4. Standards. The Planning Board in granting conditional use approval shall specify such requirements as it deems necessary or desirable to ensure compliance with the following performance standards:
- A. No part of any extraction operation shall be permitted within 75 feet of any property or street line, except that drainage ways to reduce runoff into or from the extraction area may be allowed up to 50 feet of such lines. Natural vegetation shall be undisturbed and maintained in buffer areas.
  - B. If the Planning Board determines that a proposed site and improvements are in a location that may have mud-slide hazards, further review must be made by persons qualified in geology and soils engineering and the cost of such review shall be paid by the applicant; and the proposed new construction, substantial improvement, or grading must (i) be adequately protected against mudslide damage and (ii) not aggravate the existing hazard.
  - C. No slope steeper than 2 feet horizontal to 1 foot vertical shall be permitted at any extraction site unless a fence at least 4 feet high is erected to limit access to such locations.
  - D. Any top soil and subsoil suitable for purposes of revegetation 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 Ordinance.
  - E. Sediment shall be trapped by diversions, silting basins, terraces and other measures designed by a professional engineer, in order to protect the

surface water bodies from sedimentation.

- F. The sides and bottom of cuts, fills, channels, and artificial water courses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to Standards of the Maine Soil and Water Conservation Commission.
- G. The hours of operation at any extraction site shall be limited to 7 a.m. to 6 p.m. during weekdays, unless otherwise specified by the Planning Board.
- H. 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 30 days following completion of active extraction operations.
- I. Within twelve months following the completion of extraction operations at any extraction site or at any one or more locations within any extraction site, ground levels and grades shall be established in accordance with the approved plans filed with the Planning Board so that:
  - (1) All debris, stumps, boulders and similar materials shall be removed and disposed of in an approved location or buried and covered with a minimum of 2 feet of soil. Only materials generated on-site may be buried or covered.
  - (2) Storm drainage and water courses shall leave the location at the original natural drainage points, where practicable, and in a manner such that the amount of drainage at any point is not significantly increased.
  - (3) At least 4" of top soil or loam shall be retained or obtained to cover all disturbed land areas, which shall be reseeded and properly restored to a stable condition.
  - (4) The final grade slope shall be a two-to-one (2:1) slope.

Extractive operations shall be deemed to be complete when less than 100 cubic yards of materials are removed in any consecutive twelve month period.

- 5. Surety and Terms of Approval. No approval shall be issued without some form of security to ensure compliance with such conditions as the Planning Board may impose. No approval shall be issued for a period to exceed five years, although such approval may be renewed for additional periods in the same manner contained herein.
- 6. Existing Operations. Discontinuation of any operation existing prior to August 9, 1989 for a period of more than one year shall result in the loss of non-conforming

use status for that operation. Discontinuation is defined as being the excavation, processing or storage of less than one hundred (100) cubic yards of material.

[Derivation: Section 5.12, 1989 Zoning Ordinance as amended]

**SECTION 9-615**      FLOOD HAZARD AREAS

In areas delineated as being within the 100-year floodplain as shown on the Flood Insurance Rate Map for the City of Hallowell, dated June 16, 2011, all new construction, additions, and modifications to existing structures shall conform to the requirements of Division B of Subchapter V of this Chapter.

[Derivation: Section 5.13, 1989 Zoning Ordinance; Ord. No. 11-06, eff. 10/21/2011]

**SECTION 9-616**      EXTERIOR LIGHTING

1.      General Requirements. All new or revised exterior lighting including the replacement or modification of existing lighting fixtures that results in a change in the lighting characteristics of the fixture, must be designed to provide only the minimum lighting necessary to ensure adequate vision, safety, and comfort and may not cause glare beyond the limits of the property boundaries including street rights-of-way. New and replacement exterior lighting must conform to the current recommended practices of the Illuminating Engineering Society of North America (IESNA) unless more restrictive requirements are established by this article. When the lamps or bulbs of existing lighting installations are replaced, the replacements must conform to the requirements of IESNA and this article to the extent reasonable.
  
2.      Lighting Fixtures. All new exterior lighting fixtures and installations for single family dwellings or duplexes constructed after April 1, 2008 and all new or replacement exterior lighting fixtures and installations for both newly constructed and existing multifamily housing and nonresidential uses other than outdoor sports and recreational facilities that are located outside the right-of-way of a public street must meet the following standards:
  - A.      Lighting fixtures mounted on masts or poles must be cut-off fixtures except for period or historical fixtures meeting the provisions of F of this section.
  
  - B.      Flood lighting or other directional lighting may be used for supplemental illumination provided that the flood lights are installed no higher than twenty (20) feet above ground level, are aimed to avoid the source of the light being seen from adjacent streets or properties, and utilize lamps with an initial lumen rating not exceeding 39,000 lumens. The City has the right to inspect the completed lighting installation and, if flood lights are used, to require that the flood lights be re-aimed or fitted with face louvers if necessary to control direct brightness or glare.
  
  - C.      Except for ornamental lighting fixtures that utilize lamps with initial lumen ratings of 8,500 lumens or less, wall mounted building lights must include full

face shielding consisting of either a solid panel or full face louvers. Exposed lamps, reflectors or refractors may not be visible from any part of the fixture except the bottom, light emitting surface.

- D. Lighting fixtures located on or within canopies must be recessed into the ceiling of the canopy so that the lamp, reflector, and lens are not visible from public streets. Fixtures must limit the direction of light as required for a “cut-off fixture”. Refractors or diffusing panels that are dropped below the canopy ceiling surface are not permitted.
- E. Lighting fixtures must be mounted at the lowest level that allows reasonable compliance with IESNA recommended practices and the provisions of this article. The maximum light fixture height shall be twenty-five (25) feet.
- F. Period or historical fixtures that do not meet the requirements of this section may be used as an alternative to cutoff fixtures provided the maximum initial lumens generated by each fixture does not exceed 2,000. The maximum initial lumens for metal halide lamps may be increased to 8,500 if the lamp is internally recessed within the fixture or is shielded by internal louvers or refractors. The mounting height of period or historical fixtures may not exceed twelve (12) feet above the adjacent ground.
- G. The use of searchlights, lasers, or any similar high intensity light for outdoor advertising or entertainment is prohibited.

3. Illumination Standards for Non-Residential Uses and Multifamily Residential Uses. New or revised exterior lighting serving both newly constructed and existing nonresidential uses and multifamily housing must conform to the following standards:

- A. The maximum illumination level at the property line of a nonresidential or multifamily housing use with abutting properties in a residential district may not exceed 0.1 foot-candles.
- B. The minimum and maximum illumination levels and uniformity ratios must be consistent with IESNA recommended practices and be compatible with the overall lighting of the project and be specifically approved by the Planning Board.
- C. Exterior site or building lighting at a place of business or a public venue shall be turned off or dimmed no later than one hour after closing, except as needed for basic security.

4. Lighting Plan Required. Any non-residential or multifamily housing project that involves the construction of more than two thousand (2,000) square feet of nonresidential floor area, or the creation of more than five thousand (5,000) square feet of impervious area, or the creation of three (3) or more dwelling units in a building, must have a lighting plan approved by the Planning Board prior to the issuance of any permits for the project. The lighting plan must be prepared by a

qualified lighting professional with training or experience in the design of lighting meeting IESNA recommended practices or other qualified professional approved by the Planning Board. The lighting plan must include the following:

- A. The location of all buildings, parking areas, driveways, service areas, pedestrian areas, landscaping, and proposed exterior lighting fixtures;
- B. Specifications and illustrations of all proposed lighting fixtures including photometric data, designation as “cut-off” fixtures, Color Rendering Index (CRI) of all lamps (bulbs), and other descriptive information on the fixtures;
- C. The proposed mounting height of all exterior lighting fixtures;
- D. Analyses and illuminance level diagrams or photometric point by point diagrams on a twenty foot grid showing that the proposed installation conforms to the lighting level standards of this ordinance together with statistical summaries documenting the average illuminance, maximum illuminance, minimum illuminance, average to minimum uniformity ratio, and maximum to minimum uniformity ratio for each parking area, drive, canopy, and sales or storage area;
- E. Drawings of all relevant building elevations showing the lighting fixtures, the portions of the walls to be illuminated, the illuminance levels of the walls, and the aiming points for any remote light fixtures; and
- F. A narrative that describes the hierarchy of site lighting and how the lighting will be used to provide safety, security, and aesthetic effects.

[Derivation: Section 5.14, 1989 Zoning Ordinance]

[Derivation: Ord. No.: 08-07, eff. 10/24/2008]

**SECTION 9-617**     HISTORIC DISTRICT (Reserved)

**SECTION 9-618**     HOME OCCUPATIONS

An occupation or profession may be carried on in a dwelling unit or other structure accessory to a dwelling unit, clearly incidental and secondary to the use of the dwelling unit for residential purposes. A retail sales outlet does not qualify as a home business unless the item sold is either a product of the owner's labor (e.g. manufactured, produced, created, grown, caught) or the sale of antiques. Home occupations as defined in this Chapter are permitted in residential districts upon approval of the Planning Board which must be satisfied that the following conditions have been met:

- 1. The owner of the home occupation must reside in the residence on the lot where the home occupation is being carried on.
- 2. No nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare or radiation, or accumulations of by-products, junk or outside storage of

materials shall be generated.

3. Adequate off-street parking as determined by the Planning Board shall be provided for any home occupation whose operation shall attract customers of the provided service.
4. Exterior storage of materials and any other exterior evidence of the home occupation shall be so located or screened, so as not to detract from the residential character of the principal building.
5. Signs for home occupations shall be limited to two signs, no larger than 5 square feet on each side.
6. No more than two (2) persons outside the family shall be employed in the home occupation.

[Derivation: Section 5.15, 1989 Zoning Ordinance]

**SECTION 9-619**      HOTELS/MOTELS & INNS

1. For traffic safety on and immediately adjoining each motel, hotel or inn and to assure the health, safety and welfare of the occupants and of the neighborhood generally, the following land, space, building, traffic, utility, and service design requirements shall be complied with. In approving a Master Plan for a Planned Mixed-Use Development, the City Council, upon recommendation of the Planning Board, may waive or modify these provisions. Any such waiver or modification shall apply to the subsequent approval and permitting of a hotel, motel, or inn that is in conformance with the approved Master Plan. For the purposes of this section, the terms hotel, motel and inn are used interchangeably.
  - A. Access driveways into the development shall be at an angle no less than 30 degrees and no more than 45 degrees to facilitate movement of traffic off the public way and onto the property. Driveways shall be separated by a minimum of 100 feet. The curb radius of the intersection of the driveway to the public way shall be no less than 30 feet. Access and egress drives shall not exceed a slope of 2% for the first seventy-five (75) feet onto the property.
  - B. If cooking or eating facilities are provided in hotel rental units, each rental unit shall be considered a dwelling unit and the hotel shall be required to meet all the standards for multi-family developments in this ordinance including the residential density requirements of the appropriate district.
  - C. Each motel rental unit shall contain not less than two hundred fifty (250) square feet of habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walk-ways. Each motel rental sleeping room shall not be less than twelve by fifteen feet horizontal dimensions, exclusive of baths. Each rental unit shall include private bathroom facilities.

- D. On each hotel lot, one apartment may be provided for a resident owner, manager, or other responsible staff person.
- E. Hotel building construction plans shall be reviewed and approved by the State Fire Marshall's Office.
- F. All hotels shall be connected to the public sewer and water systems.

[Derivation: Section 5.16, 1989 Zoning Ordinance; Ordinance No. 11-03, eff. 8/18/2011; Ord. No. 12-11, eff. 10/19/2012]

**SECTION 9-620**      MANUFACTURING FACILITIES AND RELATED USES

1. Environmental Standards. When submitting an application for a building permit or conditional use or site plan approval for a manufacturing use, the applicant shall submit the following information to the Code Enforcement Officer and to the Planning Board:
  - A. A written description of the industrial operations proposed in sufficient detail to indicate the effects of these operations in producing traffic congestion, noise, toxic or noxious matter, vibration, odor, heat, glare, air pollution, waste, and other objectionable effects.
  - B. Engineering and architectural plans for the treatment of and disposal of sewage and industrial wastes and any on-site disposal of wastes.
  - C. Engineering and architectural plans for handling any traffic congestion, noise, odor, heat, glare, air pollution, fire hazard, or safety hazard.
  - D. Designation of the fuel proposed to be used and any necessary plans for controlling the emission of smoke or particulate matter.
  - E. The proposed number of shifts to be worked and the maximum number of employees on each shift.
  - F. A plan indicating trees to be retained, streams and other topographical features on the site and within one hundred (100') feet from the exterior boundaries of the property.
  - G. A list of all hazardous materials to be hauled, stored, used, generated or disposed of on the site, and any pertinent State or Federal permits required.
2. General Requirements:
  - A. All business, service, repair, manufacturing, storage, processing, or display on property abutting or facing a residential use or property shall be conducted wholly within an enclosed building unless screened from the

residential area.

- B. Doors, windows, loading docks, and other openings in structures shall be prohibited on sides of the structure adjacent to or across a street from a residential use or property if such an opening will cause glare, excessive noise, or other adverse effects.
- C. Front yards shall be continuously maintained in lawn or other landscaping. All other yards abutting or across a street from a residential use or property shall be continuously maintained in lawn or other landscaping unless screened from the residential use as provided in Subsection 2(A) above.
- D. Access points from a public road to industrial operations shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character.
- E. All materials including wastes shall be stored, and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.
- F. Prior to the issuance of building permits, the applicant shall demonstrate to the Code Enforcement Officer that all provisions of this Chapter have been met.
- G. Off-street parking requirements as stated in Section 9-928 must be met.

[Derivation: Section 5.17, 1989 Zoning Ordinance; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-621**      INVASIVE PLANT ATLAS OF NEW ENGLAND (IPANE)

For the purposes of this chapter, where the provisions refer to invasive species, any species on the following list is considered to be an invasive species:

List of IPANE species by common name

<b>Common Name</b>	<b>Scientific Name</b>
Amur honeysuckle	<i>Lonicera maackii</i> (Rupr.) Herder
Amur maple	<i>Acer ginnala</i> Maxim.
Autumn olive	<i>Elaeagnus umbellata</i> Thunb.
Bell's honeysuckle	<i>Lonicera x bella</i> Zabel
Bittersweet nightshade	<i>Solanum dulcamara</i> L.
Black locust	<i>Robinia pseudoacacia</i> L.
Black swallow-wort	<i>Cynanchum louiseae</i> Kartesz & Gandhi
Border privet	<i>Ligustrum obtusifolium</i> Sieb. & Zucc.
Brazilian waterweed	<i>Egeria densa</i> Planchon
Bristled knotweed	<i>Polygonum caespitosum</i> Blume
Brittle water-nymph	<i>Najas minor</i> Allioni
California privet	<i>Ligustrum ovalifolium</i> Hassk.
Canada bluegrass	<i>Poa compressa</i> L.
Canada thistle	<i>Cirsium arvense</i> (L.) Scop.
Celandine	<i>Chelidonium majus</i> L.

Common Name	Scientific Name
Chinese privet	<i>Ligustrum sinense</i> Lour.
Coltsfoot	<i>Tussilago farfara</i> L.
Common barberry	<i>Berberis vulgaris</i> L.
Common buckthorn	<i>Rhamnus cathartica</i> L.
Common kochia	<i>Kochia scoparia</i> (L.) Schrader
Common reed	<i>Phragmites australis</i> (Cav.) Trin. Ex Steud.
Creeping buttercup	<i>Ranunculus repens</i> L.
Crested late-summer mint	<i>Elsholtzia ciliata</i> (Thunb.) Hylander
Cup plant	<i>Silphium perfoliatum</i> L.
Curly-leaved pondweed	<i>Potamogeton crispus</i> L.
Cypress spurge	<i>Euphorbia cyparissias</i> L.
Dame's rocket	<i>Hesperis matronalis</i> L.
Drooping brome-grass	<i>Bromus tectorum</i> L.
Dwarf honeysuckle	<i>Lonicera xylosteum</i> L.
Eulalia	<i>Miscanthus sinensis</i> Anderss.
Eurasian watermilfoil	<i>Myriophyllum spicatum</i> L.
European black alder	<i>Alnus glutinosa</i> (L.) Gaertner
European frogbit	<i>Hydrocharis morsus-ranae</i> L.
European privet	<i>Ligustrum vulgare</i> L.
European speedwell	<i>Veronica beccabunga</i> L.
European waterclover	<i>Marsilea quadrifolia</i> L.
False indigo	<i>Amorpha fruticosa</i> L.
Fanwort	<i>Cabomba caroliniana</i> A. Gray
Fig buttercup	<i>Ranunculus ficaria</i> L.
Flowering rush	<i>Butomus umbellatus</i> L.
Forget-me-not	<i>Myosotis scorpioides</i> L.
Garden heliotrope	<i>Valeriana officinalis</i> L.
Garden loosestrife	<i>Lysimachia vulgaris</i> L.
Garlic mustard	<i>Alliaria petiolata</i> (Bieb.) Cavara & Grande
Giant hogweed	<i>Heracleum mantegazzianum</i> Sommier & Levier
Giant knotweed	<i>Polygonum sachalinense</i> F. Schmidt ex Maxim.
Glossy buckthorn	<i>Frangula alnus</i> Mill.
Goutweed	<i>Aegopodium podagraria</i> L.
Ground ivy	<i>Glechoma hederacea</i> L.
Hairy jointgrass	<i>Arthraxon hispidus</i> (Thunb.) Makino
Hairy willow-herb	<i>Epilobium hirsutum</i> L.
Hydrilla	<i>Hydrilla verticillata</i> (L. f.) Royle
Japanese barberry	<i>Berberis thunbergii</i> DC.
Japanese honeysuckle	<i>Lonicera japonica</i> Thunb.
Japanese hops	<i>Humulus japonicus</i> Sieb. & Zucc.
Japanese knotweed	<i>Polygonum cuspidatum</i> Sieb. & Zucc.
Japanese sedge	<i>Carex kobomugi</i> Ohwi
Japanese stilt grass	<i>Microstegium vimineum</i> (Trin.) A. Camus
Jimsonweed	<i>Datura stramonium</i> L.
Kudzu	<i>Pueraria montana</i> var. <i>lobata</i> (Willd.)
Leafy spurge	<i>Euphorbia esula</i> L.
Marsh thistle	<i>Cirsium palustre</i> (L.) Scop.
Mile-a-minute vine	<i>Polygonum perfoliatum</i> L.
Moneywort	<i>Lysimachia nummularia</i> L.
Morrow's honeysuckle	<i>Lonicera morrowii</i> A. Gray
Multiflora rose	<i>Rosa multiflora</i> Thunb. ex Murr.
Narrowleaf bittercress	<i>Cardamine impatiens</i> L.
Norway maple	<i>Acer platanoides</i> L.
Oakforest woodrush	<i>Luzula luzuloides</i> (Lam.) Dandy & Wilmott
Onerow yellowcress	<i>Rorippa microphylla</i> (Boenn. ex Reichenb.) Hyl. ex A. & D. Löve
Oriental bittersweet	<i>Celastrus orbiculatus</i> Thunb.
Ornamental jewelweed	<i>Impatiens glandulifera</i> Royle

Common Name	Scientific Name
Pale swallow-wort	<i>Cynanchum rossicum</i> (Kleo.) Barbarich
Parrotfeather	<i>Myriophyllum aquaticum</i> (Vell.) Verdc.
Perennial pepperweed	<i>Lepidium latifolium</i> L.
Pond water-starwort	<i>Callitriche stagnalis</i> Scop.
Porcelainberry	<i>Ampelopsis brevipedunculata</i> (Maxim.) Trautv.
Princess tree	<i>Paulownia tomentosa</i> (Thunb.) Sieb. & Zucc.
Purple loosestrife	<i>Lythrum salicaria</i> L.
Ragged robin	<i>Lychnis flos-cuculi</i> L.
Reed canary grass	<i>Phalaris arundinacea</i> L.
Reed mannagrass	<i>Glyceria maxima</i> (Hartman) Holmburg
Rugosa rose	<i>Rosa rugosa</i> Thunb.
Russian olive	<i>Elaeagnus angustifolia</i> L.
Salvinia	<i>Salvinia molesta</i> Mitchell Complex
Scotch broom	<i>Cytisus scoparius</i> (L.) Link
Scotch thistle	<i>Onopordum acanthium</i> L.
Sheep sorrel	<i>Rumex acetosella</i> L.
Shrubby St. Johnswort	<i>Hypericum prolificum</i> L.
Silver hairgrass	<i>Aira caryophyllea</i> L.
Slender snake cotton	<i>Froelichia gracilis</i> (Hook.) Moq.
Spotted knapweed	<i>Centaurea biebersteinii</i> DC.
Star-of-Bethlehem	<i>Ornithogalum umbellatum</i> L.
Sycamore maple	<i>Acer pseudoplatanus</i> L.
Tansy ragwort	<i>Senecio jacobaea</i> L.
Tatarian honeysuckle	<i>Lonicera tatarica</i> L.
Thunberg's geranium	<i>Geranium thunbergii</i> Sieb. & Zucc. ex Lindl. & Paxton
Tree of heaven	<i>Ailanthus altissima</i> (Mill.) Swingle
Variable-leaf watermilfoil	<i>Myriophyllum heterophyllum</i> Michx.
Water chestnut	<i>Trapa natans</i> L.
Water hyacinth	<i>Eichhornia crassipes</i> (Mart.) Solms
Water lettuce	<i>Pistia stratiotes</i> L.
Watercress	<i>Rorippa nasturtium-aquaticum</i> (L.) Hayek
White poplar	<i>Populus alba</i> L.
Wild chervil	<i>Anthriscus sylvestris</i> (L.) Hoffm.
Wild garlic	<i>Allium vineale</i> L.
Wineberry	<i>Rubus phoenicolasius</i> Maxim.
Winged euonymus	<i>Euonymus alata</i> (Thunb.) Sieb.
Yellow floating heart	<i>Nymphoides peltata</i> (Gmel.) Kuntze
Yellow hornpoppy	<i>Glaucium flavum</i> Crantz
Yellow iris	<i>Iris pseudacorus</i> L.

List of IPANE species by scientific name

Scientific Name	Common Name
<i>Acer ginnala</i> Maxim.	Amur maple
<i>Acer platanoides</i> L.	Norway maple
<i>Acer pseudoplatanus</i> L.	Sycamore maple
<i>Aegopodium podagraria</i> L.	Goutweed
<i>Ailanthus altissima</i> (Mill.) Swingle	Tree of heaven
<i>Aira caryophyllea</i> L.	Silver hairgrass
<i>Alliaria petiolata</i> (Bieb.) Cavara & Grande	Garlic mustard
<i>Allium vineale</i> L.	Wild garlic
<i>Alnus glutinosa</i> (L.) Gaertner	European black alder
<i>Amorpha fruticosa</i> L.	False indigo
<i>Ampelopsis brevipedunculata</i> (Maxim.) Trautv.	Porcelainberry
<i>Anthriscus sylvestris</i> (L.) Hoffm.	Wild chervil
<i>Arthraxon hispidus</i> (Thunb.) Makino	Hairy jointgrass

**Scientific Name**

*Berberis thunbergii* DC.  
*Berberis vulgaris* L.  
*Bromus tectorum* L.  
*Butomus umbellatus* L.  
*Cabomba caroliniana* A. Gray  
*Callitriche stagnalis* Scop.  
*Cardamine impatiens* L.  
*Carex kobomugi* Ohwi  
*Celastrus orbiculatus* Thunb.  
*Centaurea biebersteinii* DC.  
*Chelidonium majus* L.  
*Cirsium arvense* (L.) Scop.  
*Cirsium palustre* (L.) Scop.  
*Cynanchum louiseae* Kartesz & Gandhi  
*Cynanchum rossicum* (Kleo.) Barbarich  
*Cytisus scoparius* (L.) Link  
*Datura stramonium* L.  
*Egeria densa* Planchon  
*Eichhornia crassipes* (Mart.) Solms  
*Elaeagnus angustifolia* L.  
*Elaeagnus umbellata* Thunb.  
*Elsholtzia ciliata* (Thunb.) Hylander  
*Epilobium hirsutum* L.  
*Euonymus alata* (Thunb.) Sieb.  
*Euphorbia cyparissias* L.  
*Euphorbia esula* L.  
*Frangula alnus* Mill.  
*Froelichia gracilis* (Hook.) Moq.  
*Geranium thunbergii* Sieb. & Zucc. ex Lindl. & Paxton  
*Glaucium flavum* Crantz  
*Glechoma hederacea* L.  
*Glyceria maxima* (Hartman) Holmburg  
*Heracleum mantegazzianum* Sommier & Levier  
*Hesperis matronalis* L.  
*Humulus japonicus* Sieb. & Zucc.  
*Hydrilla verticillata* (L. f.) Royle  
*Hydrocharis morsus-ranae* L.  
*Hypericum prolificum* L.  
*Impatiens glandulifera* Royle  
*Iris pseudacorus* L.  
*Kochia scoparia* (L.) Schrader  
*Lepidium latifolium* L.  
*Ligustrum obtusifolium* Sieb. & Zucc.  
*Ligustrum ovalifolium* Hassk.  
*Ligustrum sinense* Lour.  
*Ligustrum vulgare* L.  
*Lonicera x bella* Zabel  
*Lonicera japonica* Thunb.  
*Lonicera maackii* (Rupr.) Herder  
*Lonicera morrowii* A. Gray  
*Lonicera tatarica* L.  
*Lonicera xylosteum* L.  
*Luzula luzuloides* (Lam.) Dandy & Wilmott  
*Lychnis flos-cuculi* L.  
*Lysimachia nummularia* L.  
*Lysimachia vulgaris* L.  
*Lythrum salicaria* L.

**Common Name**

Japanese barberry  
 Common barberry  
 Drooping brome-grass  
 Flowering rush  
 Fanwort  
 Pond water-starwort  
 Narrowleaf bittercress  
 Japanese sedge  
 Oriental bittersweet  
 Spotted knapweed  
 Celandine  
 Canada thistle  
 Marsh thistle  
 Black swallow-wort  
 Pale swallow-wort  
 Scotch broom  
 Jimsonweed  
 Brazilian waterweed  
 Water hyacinth  
 Russian olive  
 Autumn olive  
 Crested late-summer mint  
 Hairy willow-herb  
 Winged euonymus  
 Cypress spurge  
 Leafy spurge  
 Glossy buckthorn  
 Slender snake cotton  
 Thunberg's geranium  
 Yellow hornpoppy  
 Ground ivy  
 Reed mannagrass  
 Giant hogweed  
 Dame's rocket  
 Japanese hops  
 Hydrilla  
 European frogbit  
 Shrubby St. Johnswort  
 Ornamental jewelweed  
 Yellow iris  
 Common kochia  
 Perennial pepperweed  
 Border privet  
 California privet  
 Chinese privet  
 European privet  
 Bell's honeysuckle  
 Japanese honeysuckle  
 Amur honeysuckle  
 Morrow's honeysuckle  
 Tatarian honeysuckle  
 Dwarf honeysuckle  
 Oakforest woodrush  
 Ragged robin  
 Moneywort  
 Garden loosestrife  
 Purple loosestrife

**Scientific Name**

*Marsilea quadrifolia* L.  
*Microstegium vimineum* (Trin.) A. Camus  
*Miscanthus sinensis* Anderss.  
*Myosotis scorpioides* L.  
*Myriophyllum aquaticum* (Vell.) Verdc.  
*Myriophyllum heterophyllum* Michx.  
*Myriophyllum spicatum* L.  
*Najas minor* Allioni  
*Nymphoides peltata* (Gmel.) Kuntze  
*Onopordum acanthium* L.  
*Ornithogalum umbellatum* L.  
*Paulownia tomentosa* (Thunb.) Sieb. & Zucc.  
*Phalaris arundinacea* L.  
*Phragmites australis* (Cav.) Trin. ex Steud.  
*Pistia stratiotes* L.  
*Poa compressa* L.  
*Polygonum caespitosum* Blume  
*Polygonum cuspidatum* Sieb. & Zucc.  
*Polygonum perfoliatum* L.  
*Polygonum sachalinense* F. Schmidt ex Maxim.  
*Populus alba* L.  
*Potamogeton crispus* L.  
*Pueraria montana* var. *lobata* (Willd.)  
*Ranunculus ficaria* L.  
*Ranunculus repens* L.  
*Rhamnus cathartica* L.  
*Robinia pseudoacacia* L.  
*Rorippa microphylla* (Boenn. ex Reichenb.) Hyl. ex A. & D. Löve  
*Rorippa nasturtium-aquaticum* (L.) Hayek  
*Rosa multiflora* Thunb. ex Murr.  
*Rosa rugosa* Thunb.  
*Rubus phoenicolasia* Maxim.  
*Rumex acetosella* L.  
*Salvinia molesta* Mitchell Complex  
*Senecio jacobaea* L.  
*Silphium perfoliatum* L.  
*Solanum dulcamara* L.  
*Trapa natans* L.  
*Tussilago farfara* L.  
*Valeriana officinalis* L.  
*Veronica beccabunga* L.

**Common Name**

European waterclover  
 Japanese stilt grass  
 Eulalia  
 Forget-me-not  
 Parrotfeather  
 Variable-leaf watermilfoil  
 Eurasian watermilfoil  
 Brittle water-nymph  
 Yellow floating heart  
 Scotch thistle  
 Star-of-Bethlehem  
 Princess tree  
 Reed canary grass  
 Common reed  
 Water lettuce  
 Canada bluegrass  
 Bristled knotweed  
 Japanese knotweed  
 Mile-a-minute vine  
 Giant knotweed  
 White poplar  
 Curly-leaved pondweed  
 Kudzu  
 Fig buttercup  
 Creeping buttercup  
 Common buckthorn  
 Black locust  
 Onerow yellowcress  
 Watercress  
 Multiflora rose  
 Rugosa rose  
 Wineberry  
 Sheep sorrel  
 Salvinia  
 Tansy ragwort  
 Cup plant  
 Bittersweet nightshade  
 Water chestnut  
 Coltsfoot  
 Garden heliotrope  
 European speedwell

List of IPANE species by life form

**Aquatic**

<i>Cabomba caroliniana</i> A. Gray	Fanwort
<i>Callitriche stagnalis</i> Scop.	Pond water-starwort
<i>Egeria densa</i> Planchon	Brazilian waterweed
<i>Eichhornia crassipes</i> (Mart.) Solms	Water hyacinth
<i>Hydrilla verticillata</i> (L. f.) Royle	Hydrilla
<i>Hydrocharis morsus-ranae</i> L.	European frogbit
<i>Marsilea quadrifolia</i> L.	European waterclover
<i>Myriophyllum aquaticum</i> (Vell.) Verdc.	Parrotfeather
<i>Myriophyllum heterophyllum</i> Michx.	Variable-leaf watermilfoil
<i>Myriophyllum spicatum</i> L.	Eurasian watermilfoil

**Aquatic**

<i>Najas minor</i> Allioni	Brittle water-nymph
<i>Nymphoides peltata</i> (Gmel.) Kuntze	Yellow floating heart
<i>Pistia stratiotes</i> L.	Water lettuce
<i>Potamogeton crispus</i> L.	Curly-leaved pondweed
<i>Rorippa microphylla</i> (Boenn. ex Reichenb.) Hyl. ex A.& D. Löve	Onerow yellowcress
<i>Rorippa nasturtium-aquaticum</i> (L.) Hayek	Watercress
<i>Salvinia molesta</i> Mitchell Complex	Salvinia
<i>Trapa natans</i> L.	Water chestnut

**Grass/Sedge/Rush**

<i>Aira caryophyllea</i> L.	Silver hairgrass
<i>Arthraxon hispidus</i> (Thunb.) Makino	Hairy jointgrass
<i>Bromus tectorum</i> L.	Drooping brome-grass
<i>Carex kobomugi</i> Ohwi	Japanese sedge
<i>Glyceria maxima</i> (Hartman) Holmburg	Reed mannagrass
<i>Luzula luzuloides</i> (Lam.) Dandy & Wilmott	Oakforest woodrush
<i>Microstegium vimineum</i> (Trin.) A. Camus	Japanese stilt grass
<i>Miscanthus sinensis</i> Anderss.	Eulalia
<i>Phalaris arundinacea</i> L.	Reed canary grass
<i>Phragmites australis</i> (Cav.) Trin. ex Steud.	Common reed
<i>Poa compressa</i> L.	Canada bluegrass

**Herbaceous**

<i>Aegopodium podagraria</i> L.	Goutweed
<i>Alliaria petiolata</i> (Bieb.) Cavara & Grande	Garlic mustard
<i>Allium vineale</i> L.	Wild garlic
<i>Anthriscus sylvestris</i> (L.) Hoffm.	Wild chervil
<i>Butomus umbellatus</i> L.	Flowering rush
<i>Cardamine impatiens</i> L.	Narrowleaf bittercress
<i>Centaurea biebersteinii</i> DC.	Spotted knapweed
<i>Chelidonium majus</i> L.	Celandine
<i>Cirsium arvense</i> (L.) Scop.	Canada thistle
<i>Cirsium palustre</i> (L.) Scop.	Marsh thistle
<i>Cynanchum louiseae</i> Kartesz & Gandhi	Black swallow-wort
<i>Cynanchum rossicum</i> (Kleo.) Barbarich	Pale swallow-wort
<i>Datura stramonium</i> L.	Jimsonweed
<i>Elsholtzia ciliata</i> (Thunb.) Hylander	Crested late-summer mint
<i>Epilobium hirsutum</i> L.	Hairy willow-herb
<i>Euphorbia cyparissias</i> L.	Cypress spurge
<i>Euphorbia esula</i> L.	Leafy spurge
<i>Froelichia gracilis</i> (Hook.) Moq.	Slender snake cotton
<i>Geranium thunbergii</i> Sieb. & Zucc. ex Lindl. & Paxton	Thunberg's geranium
<i>Glaucium flavum</i> Crantz	Yellow hornpoppy
<i>Glechoma hederacea</i> L.	Ground ivy
<i>Heracleum mantegazzianum</i> Sommier & Levier	Giant hogweed
<i>Hesperis matronalis</i> L.	Dame's rocket
<i>Humulus japonicus</i> Sieb. & Zucc.	Japanese hops
<i>Impatiens glandulifera</i> Royle	Ornamental jewelweed
<i>Iris pseudacorus</i> L.	Yellow iris
<i>Kochia scoparia</i> (L.) Schrader	Common kochia
<i>Lepidium latifolium</i> L.	Perennial pepperweed
<i>Lychnis flos-cuculi</i> L.	Ragged robin
<i>Lysimachia nummularia</i> L.	Moneywort

**Herbaceous**

<i>Lysimachia vulgaris</i> L.	Garden loosestrife
<i>Lythrum salicaria</i> L.	Purple loosestrife
<i>Myosotis scorpioides</i> L.	Forget-me-not
<i>Onopordum acanthium</i> L.	Scotch thistle
<i>Ornithogalum umbellatum</i> L.	Star-of-Bethlehem
<i>Polygonum caespitosum</i> Blume	Bristled knotweed
<i>Polygonum cuspidatum</i> Sieb. & Zucc.	Japanese knotweed
<i>Polygonum perfoliatum</i> L.	Mile-a-minute vine
<i>Polygonum sachalinense</i> F. Schmidt ex Maxim.	Giant knotweed
<i>Ranunculus ficaria</i> L.	Fig buttercup
<i>Ranunculus repens</i> L.	Creeping buttercup
<i>Rumex acetosella</i> L.	Sheep sorrel
<i>Senecio jacobaea</i> L.	Tansy ragwort
<i>Silphium perfoliatum</i> L.	Cup plant
<i>Tussilago farfara</i> L.	Coltsfoot
<i>Valeriana officinalis</i> L.	Garden heliotrope
<i>Veronica beccabunga</i> L.	European speedwell

**Shrub**

<i>Amorpha fruticosa</i> L.	False indigo
<i>Berberis thunbergii</i> DC.	Japanese barberry
<i>Berberis vulgaris</i> L.	Common barberry
<i>Cytisus scoparius</i> (L.) Link	Scotch broom
<i>Elaeagnus angustifolia</i> L.	Russian olive
<i>Elaeagnus 24mbellate</i> Thunb.	Autumn olive
<i>Euonymus alata</i> (Thunb.) Sieb.	Winged euonymus
<i>Frangula alnus</i> Mill.	Glossy buckthorn
<i>Hypericum prolificum</i> L.	Shrubby St. Johnswort
<i>Ligustrum obtusifolium</i> Sieb. & Zucc.	Border privet
<i>Ligustrum ovalifolium</i> Hassk.	California privet
<i>Ligustrum sinense</i> Lour.	Chinese privet
<i>Ligustrum vulgare</i> L.	European privet
<i>Lonicera x bella</i> Zabel	Bell's honeysuckle
<i>Lonicera maackii</i> (Rupr.) Herder	Amur honeysuckle
<i>Lonicera morrowii</i> A. Gray	Morrow's honeysuckle
<i>Lonicera tatarica</i> L.	Tatarian honeysuckle
<i>Lonicera xylosteum</i> L.	Dwarf honeysuckle
<i>Rhamnus cathartica</i> L.	Common buckthorn
<i>Rosa multiflora</i> Thunb. Ex Murr.	Multiflora rose
<i>Rosa rugosa</i> Thunb.	Rugosa rose
<i>Rubus phoenicolasius</i> Maxim.	Wineberry

**Tree**

<i>Acer ginnala</i> Maxim.	Amur maple
<i>Acer platanoides</i> L.	Norway maple
<i>Acer pseudoplatanus</i> L.	Sycamore maple
<i>Ailanthus altissima</i> (Mill.) Swingle	Tree-of-heaven
<i>Alnus glutinosa</i> (L.) Gaertner	European black alder
<i>Paulownia tomentosa</i> (Thunb.) Sieb. & Zucc.	Princess tree
<i>Populus alba</i> L.	White poplar
<i>Robinia pseudoacacia</i> L.	Black locust

**Woody Vine**

<i>Ampelopsis brevipedunculata</i> (Maxim.) Trautv.	Porcelainberry
<i>Celastrus orbiculatus</i> Thunb.	Oriental bittersweet

**Woody Vine**

*Lonicera japonica* Thunb.

*Pueraria montana* var. *lobata* (Willd.)

*Solanum dulcamara* L.

Japanese honeysuckle

Kudzu

Bittersweet nightshade

[Derivation: Ord. No. 09-02, effective 3/19/2009; Ord. No. 12-10, eff. 10/19/2012]

**SECTION 9-622      LANDSCAPING**

1. The existing landscape shall be preserved in its natural state wherever possible. No landscaping installed on any site shall include plants that are listed as being an invasive species in Section 9-621 of this Ordinance unless the Planning Board determines that the species is not an invasive species in Maine. Side and rear yards on lots in non-residential districts which abut a residential district shall be landscaped, in consultation with the Code Enforcement Officer, to provide a visual screen between districts.
2. Parking lots in non-residential districts shall be landscaped, in consultation with the Code Enforcement Officer, with a buffer along all lot lines abutting residential properties.

[Derivation: Section 5.19, 1989 Zoning Ordinance; Ord. No. 09-02, eff. 3/19/2009; Ord. No. 15-09, eff. 10/23/2015]

**SECTION 9-623      LOT SIZE CALCULATIONS**

1. Land within the street right of way shall not be considered as part of a lot for the purpose of meeting the area requirements of this Chapter even though the owner may have title to such land.
2. No open space requirement for one building may be used as part of the open space requirement for any other building.
3. Land below the normal high water mark shall not be considered as part of a lot for the purpose of meeting the area or setback requirements of this Chapter.

[Derivation: Section 5.20, 1989 Zoning Ordinance]

**SECTION 9-624      MANUFACTURED HOUSING**

1. No person, firm, corporation or other legal entity shall locate a manufactured home in the City, or move a manufactured home from one lot or parcel of land to another, without a permit from the Code Enforcement Officer. The Code Enforcement Officer shall issue the permit within 7 days of receipt of a written application and submission of proof that the manufactured home meets the requirements of this Chapter.
2. All manufactured housing located in the City shall be at least 14 feet in width, shall contain at least 750 feet of living space, shall have a pitched, shingled roof and siding

that is in conformance with the residential buildings in the vicinity, and shall have a permanent foundation or pad. Manufactured housing shall have a pitched, shingled roof with a pitch of 2 or more vertical units for every 12 horizontal units of measurement, and exterior siding that is residential in appearance. Each room in a manufactured housing unit shall be equipped with a window of a size and design to permit persons to escape from the structure during a fire. This requirement shall not apply to house trailers or mobile homes in the following categories:

- A. In the hands of dealers as stock in trade, so long as said house trailers and mobile homes remain unoccupied.
  - B. When stored temporarily in buildings or garages, or on private property if located so that such house trailer or mobile home is not visible from any public street or way.
  - C. Any individual mobile home owned and occupied by the owner thereof on or before May 17, 1965, so long as the ownership, location, and the mobile home remain unchanged.
3. Manufactured housing less than 20 feet wide in the City shall be restricted to the Rural Farm District. Manufactured housing more than 20 feet wide shall be considered single-family dwellings and shall be allowed in all areas of the City where single family dwellings are permitted exclusive of the Historic District, provided however, modular homes, as defined in Section 9-151(96)(B), of wood construction and consisting of two or more sections, shall be permitted in the Historic District. Manufactured housing of all other types, including those types defined in Section 9-151(96)(A), shall be prohibited in the Historic District.
  4. No person, firm, corporation or other legal entity shall locate an older mobile home, trailer, or manufactured home which fails to meet the requirements of Subsection 2, above. No house trailer or mobile home shall be exhibited or offered for sale for commercial purposes in any mobile home park or in any residential district.
  5. Manufactured homes and trailers which fail to meet the standards set forth in Subsection 2, above, which were lawfully established prior to the effective date of this Chapter, shall be considered non-conforming structures and may continue and may be maintained, repaired, improved, and expanded. No non-conforming structure may be replaced by another non-conforming structure but may be replaced by a manufactured home that meets the requirements of this Chapter and if permitted in such District.

[Derivation: Section 5.21, 1989 Zoning Ordinance; Ord. No. 21-03, eff. 06/17/2021]

**SECTION 9-625      MOBILE HOME PARKS**

1.    Permit Requirement. No person shall construct, maintain and/or operate any mobile home park in the City of Hallowell unless such person shall first obtain a permit issued by the Code Enforcement Officer and obtain approval of the Planning Board.
  - A.    The Code Enforcement Officer, upon written application of any person, may issue or renew mobile home park permits to any person upon compliance with the provisions of this Chapter. The fee shall be one hundred (\$100) renewable annually on the first day of the year after the permit is approved. The fee for renewal of a permit that has expired thirty (30) days or more prior to renewal application shall be \$300.00.
  - B.    Initial construction applications shall be made to the Planning Board and the Code Enforcement Officer and shall be accompanied by a set of plans drawn to scale showing the following information:
    - (1)    The area and dimensions of the tract of land and its location with respect to existing property.
    - (2)    The maximum number, location and size of all mobile home spaces.
    - (3)    The location of any existing buildings and all proposed structures.
    - (4)    The location and width of roadways and walkways; grading and drainage.
2.    Standards. Mobile Home Parks shall comply with the following minimum requirements, prior to issuance of a license:
  - A.    Location. The park shall be located on a well-drained site property graded to insure rapid drainage and freedom from stagnant pools of water. The park shall not be located near swamps or other potential breeding places for insects and rodents, or on land which is exposed to noise, smoke, fumes and odors.
  - B.    Access. The park shall have at least one paved road with unobstructed access to a public street or highway with a right-of-way of not less than fifty (50) feet and a pavement of not less than twenty (20) feet.
  - C.    Service Streets. The park shall be provided with service streets with well-drained, stabilized or paved surfaces maintained in good repair, and well-lighted at night. The pavement shall be constructed in accordance with the regulations of the State Manufactured Housing Board.
  - D.    Size of Park. The minimum lot size, side yards, and frontage within mobile home parks shall be the maximum permitted by State law. The bounds of each mobile home space shall be clearly marked, and the space shall be

surfaced or seeded to provide adequate drainage beneath and adjacent to any mobile home parked thereon.

- E. Individual Mobile Home Spaces. Each mobile home space shall be provided with:
- (1) A continuous supply of safe and sanitary water.
  - (2) A connection to an adequate sewage disposal system.
  - (3) An electrical power service connection of not less than sixty (60) ampere capacity.
  - (4) A reinforced concrete slab not less than nine (9) inches thick, eight (8) feet wide and fifty (50) feet long, but in no event shall such slab be smaller than the floor area of the mobile home, placed on a gravel or crushed stone sub-base not less than one (1) foot in depth. The top of such slab shall be not less than three (3) inches above the surrounding grade, and the top surface shall be crowned to prevent the collection of water. Each Mobile Home shall be anchored to the concrete slab at no less than six (6) points so as to withstand a wind velocity of sixty (60) knots.
- F. Motor Vehicle Parking Space. Not less than four hundred fifty (450) square feet of motor vehicle parking space shall be provided in every mobile home park for each individual mobile home space and all such parking spaces shall have a well-drained, stabilized or paved surface, maintained in good repair.
- G. Service Area. Not less than one hundred and fifty (150) linear feet of laundry drying space shall be provided in every mobile home park for each four (4) individual mobile home spaces. Such laundry drying spaces shall not be located between the street and the mobile homes or between individual mobile homes, but shall be so located as to be as inconspicuous as possible from the adjacent numbered routes and City streets. Such spaces shall have a well-drained stabilized or paved surface, maintained in good repair.
- H. Playground Area. A playground area containing not less than one hundred (100) square feet of play area for each individual mobile home space shall be provided and restricted exclusively to playground use, and such areas shall be protected from streets and parking areas, and shall have a well-drained stabilized or paved surface, maintained in good repair.
- I. Trash Disposal. There shall be a centralized rubbish collection facility, which shall be enclosed by a wooden or masonry screen at least four (4) feet in height, and which shall be protected by a roof and door. The facility shall be kept in a sanitary condition at all times. Rubbish shall be removed from the park no less than once per week.

- J. Mobile Home Storage. No mobile home or trailer shall be stored or exhibited for sale for commercial purposes within a mobile home park.
  - K. Parking of Mobile Homes. In areas served by public sewer, no mobile home shall be parked less than ten (10) feet from the side of any individual mobile home space and there shall be not less than twenty (20) feet between any two (2) mobile homes. In areas not served by public sewer, no mobile home shall be parked less than twenty (20) feet from the side of any individual mobile home space and there shall be not less than forty (40) feet between any two (2) mobile homes. No mobile home shall be parked less than one hundred (100) feet from any residential building located on any adjacent lot, nor less than twenty-five (25) feet from the right-of-way of any public street or highway.
3. Preemption by State regulation. To the extent that State statute provides that regulations of the Manufactured Housing Board preempt municipal ordinances, and the regulations are in conflict with provisions in this section, such regulations shall apply. Notwithstanding any provision of this section, the requirements of State statute with respect to mobile home parks shall apply.

[Derivation: Section 5.22, 1989 Zoning Ordinance]

**SECTION 9-626**      MULTI-FAMILY AND TWO-FAMILY DWELLING UNITS (NOT APPLICABLE TO ADUs)

- 1. New Construction. New two-family and multi-family dwelling units shall meet all of the following requirements:
  - A. No parking area shall be located between the buildings and the street, nor shall any parking area be located within the required yard area set-backs, except as provided in Section 9-631(1), Driveway. Parking area design and the number of parking spaces shall be in compliance with the parking requirements of this Chapter.
  - B. All dwelling units in a multi-family building shall have a minimum net habitable floor space of 650 square feet, exclusive of balconies, stairways, hallways, or other common space.
- 2. Conversion of Existing Single-Family Dwellings. The Planning Board may approve, as a Conditional Use, the conversion of an existing single-family dwelling to a two-family dwelling or duplex or multi-family units in any zone where that use is allowed if the proposed conversion will not meet the minimum land area or maximum density requirement for the proposed use after conversion, provided that the conversion complies with all of the requirements for new construction, and the following additional requirements:
  - A. The structure must contain at least 1,300 square feet gross floor area.

- B. There will be no external expansion of the structure, except for stairwells, decks, elevators, solariums, and entrance ways.
- C. The essential character of the structure shall not be changed.

[Derivation: Section 5.23, 1989 Zoning Ordinance; Ord. No. 12-11, eff. 10/19/2012; Ord. No. 52-07, eff. 11/20/2025]

**SECTION 9-627      NOISE**

- 1. Noise levels will be regulated as follows:
  - A. The maximum permissible sound pressure level of any continuance, regular or frequent source of sound produced by any activity regulated by this Ordinance shall be as established by the time period and type of land-use district listed below. Sound pressure levels shall be measured at or near any property boundary of the sound source.

Sound Pressure Level Limits Measured in dB(A)'s:

Downtown District

Sunday – Thursday	7:00 <sup>1</sup> a.m. to 9:00 p.m.	70
	9:00 p.m. to 7:00 a.m.	50

Friday – Saturday	7:00 <sup>1</sup> a.m. to 9:00 p.m.	70
	9:00 p.m. to 1:00 a.m.	60
	1:00 a.m. to 7:00 a.m.	50

All Other Districts

Sunday – Saturday	7:00 <sup>1</sup> a.m. to 9:00 p.m.	70
	9:00 p.m. to 7:00 <sup>1</sup> a.m.	50

Note 1: Between April 1<sup>st</sup> and November 1<sup>st</sup> the daytime limit shall apply starting at 6:30 am.

- B. Noise shall be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the American National Standards Institute (ANSI S1. 4-1961) "American Standard Specification for General Purpose Sound Level Meters".
- C. No person shall engage in construction activities on a site abutting any residential use between the hours of 9 p.m. and 7 a.m. or at any time on Sundays, that generates noise that exceeds the sound pressure level limits established for residential (other) districts.
- D. The following activities shall be exempt from these regulations:
  - (1) Noises created by construction and maintenance activities between 7 a.m. and 6 p.m.

- (2) Noises created by farm equipment not exceeding the original manufacturer specifications between 7 a.m. and 6 p.m.
  - (3) The noises of safety signals, warning devices, and emergency pressure relief valves and any other emergency activity.
  - (4) Traffic noise on existing public roads, railways or airports.
  - (5) Live outdoor music performances at bars and restaurants on the Friday prior to the Saturday of Old Hallowell Day, until 1:00 a.m. on the morning of Old Hallowell Day, and on the Saturday of Old Hallowell Day, until 1:00 a.m. on the following Sunday morning, with noise levels not to exceed 80 dBA, as approved by the City Council.
  - (6) City Council-sanctioned outdoor music performances, with noise levels not to exceed 80 dBA, and
  - (7) Other public or private events, on the condition that the abutters to the establishment or property for which an exception is requested are notified, by first-class mail sent to the owner's last known address, of the meeting at which the City Council will discuss and act on the request. In the process of determining whether to provide an exception to the established noise limits, the Council must take into consideration, but not be limited to, day of the week and the time of day the event will take place and impacts on abutters. For the purposes of this subsection, an "abutter" is the owner of any parcel with one or more common boundaries; the owner of any parcel within 200 feet; or the owner of any parcel located directly across any road from the parcel or establishment where an exception is requested. The notice that an establishment is seeking an exception from the established limits must be sent to the abutters at least seven days before the date of the Council meeting where the request will be considered. It shall be the responsibility of applicant to pay for the cost incurred by the City for providing the required notice.
- E. Any member of the Hallowell Police Department is authorized to enforce this Section upon complaint or upon the officer's reading of the meter of a violation in progress. Any person who violates this Section shall, upon conviction, be fined a civil penalty of not less than \$50 and not more than \$250 for each separate violation. If the City is the prevailing party to an enforcement action, it shall be entitled to attorney's fees and associated costs unless extraordinary circumstances make such an award unjust.

[Derivation: Section 5.24, 1989 Zoning Ordinance; Ord. No. 12-11, eff. 10/19/2012, Ord. No. 17-03, eff. 07/10/2017 (emergency); Ord. No. 18-10, eff. 06/21/2018; Ord. No. 19-02, eff. 06/20/2019]

**SECTION 9-928**      NON-HAZARDOUS SOLID WASTE DISPOSAL

No land in any District shall be used for deposits of waste or refuse and during construction such waste shall be hauled at once to an appropriate disposal area.

[Derivation: Section 5.25, 1989 Zoning Ordinance]

**SECTION 9-629**      PARKING AND LOADING STANDARDS

1. The following minimum off-street parking requirements shall be provided and maintained in case of new construction, and expansions and changes of use which necessitate increased parking, except that these provisions shall not apply to commercial downtown properties in the area bounded by the Kennebec River on the east, the railroad overpass on the north, Temple and Chestnut Streets on the south, and the railroad tracks on the west. The commercial downtown property exemption shall not apply to new buildings or additions larger than 2,000 square feet to existing buildings, nor shall it apply to residential properties. In approving a Master Plan for a Planned Mixed-Use Development, the City Council, upon recommendation of the Planning Board, may modify these provisions if it finds that the actual demand for parking will be less than required by this section or that provisions will be made for the provision of common or shared parking that serves multiple uses. Any such modification shall apply to the subsequent approval and permitting of a development or project that is in conformance with the approved Master Plan. Each space shall be a minimum of 9 feet wide by 18 feet long. Such parking shall be provided and maintained within two hundred fifty (250) feet from the main entrance of the establishment.
  - A. Dwellings, Mobile Homes: (see Section 9-631.2)
  - B. High Schools and Colleges: 5 per each classroom.
  - C. Hospitals, Nursing Homes, Health Clinics: 1 per 3 beds.
  - D. Industries: 1 per 800 square feet floor area.
  - E. Motels, Hotels, Bed and Breakfast: 1 per each sleeping room.
  - F. Restaurants: 1 per each 3 seats.
  - G. Retail Stores: 1 per 200 square feet of floor area.
  - H. Roadside Stands: 1 per 100 square feet of floor area.
  - I. Dairybars and Take-out Restaurants: Minimum of 5.
  - J. Schools, except High Schools and Colleges: 2 per each classroom.
  - K. Offices (non-retail): 1 per 300 square feet floor area.

- L. Fraternal Organizations and Nonprofit Clubs: 1 per 100 square feet.
- M. Theaters, Churches: 1 per each 6 seats.
- 2. No off-street parking area shall have more than two openings onto the same street, each opening not to exceed twenty-six (26) feet in width, and with a maximum of 300 feet between openings.
- 3. Parking areas and driveways shall be designed so as to avoid backing onto collector and arterial streets as defined in the Comprehensive Plan. These shall include: Water Street; Central Street; Middle Street south of Winthrop Street; Second Street; Maple Street; and Winthrop Street.
- 4. Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers shall not be located for loading or storage upon any City Street.
- 5. All new buildings for commercial or industrial uses erected after the effective date of this section shall provide space with access to a public street as specified below for the loading and unloading of vehicles.
  - A. Retail business: One space 12 feet by 30 feet with a minimum overhead clearance of 15 feet for each 5,000 square feet of floor space or fraction thereof.
  - B. Wholesale and industrial: One space 12 feet by 30 feet with a minimum overhead clearance of 15 feet for each 8,000 square feet of floor space or fraction thereof.
  - C. Bus and truck terminals: Sufficient space to accommodate the maximum number of buses or trucks that would be stored, loaded, and unloaded at the terminal at any one time.

[Derivation: Section 5.26, 1989 Zoning Ordinance; Ord. No. 11-03, eff. 8/18/2011; Ord. No. 12-11, eff. 10/19/2012]

**SECTION 9-630**      RECREATIONAL FACILITY

All recreational facilities shall meet the provisions below:

- 1. There shall be provided adequate off-street parking for the anticipated maximum attendance at any event.
- 2. Containers and facilities for rubbish collection and removal shall be provided.
- 3. Adequate screening, buffer areas, or landscape provisions shall be built, planted, or maintained, to protect adjacent residences from adverse noise, light, dust, smoke and visual impact.

4. The proposed use shall not create a traffic hazard. The Police Department shall review the location and site plans and provide its comments to the Planning Board prior to or at the public hearing.
5. Adequate sanitary facilities shall be provided.

[Derivation: Section 5.27, 1989 Zoning Ordinance]

**SECTION 9-631      RESIDENTIAL USE (NOT APPLICABLE TO ADUs)**

1. Driveway. Each lot shall be provided with a driveway not less than 10 feet in width. Neither boundary of the driveway shall be less than 5 feet from the adjoining property line.
2. Off-street Parking. Off-street parking shall be provided in the amount of 450 square feet per dwelling unit. This may be provided by driveway space, garage space, or parking space, or any combination thereof.
3. Minimum Floor Area. No dwelling shall be constructed having an area of less than 600 square feet of living space on the ground floor. "Living Space" shall mean actual enclosed space suitable for year-round occupancy and shall not include porches, patios and similar areas whether or not enclosed.

[Derivation: Section 5.28, 1989 Zoning Ordinance; Ord. No. 25-07, eff. 11/20/2025]

**SECTION 9-632      RESTAURANTS**

1. The application for a permit shall state the maximum seating capacity of the restaurant. Any expansion or enlargement over the stated capacity shall require a new permit.
2. Any restaurant located within 1000 feet of an existing public sewer line shall connect with the sewer system at the expense of the owners. When subsurface waste-water disposal is proposed, completed soil evaluation forms (HHE-200) shall be submitted. All proposed subsurface disposal systems shall meet the Main State Subsurface Wastewater Disposal rules.
3. For restaurants in new buildings, all parking and loading facilities shall be located to the side or rear of the building, and shall be screened from abutting residences within 200 feet. Screening shall be comprised of a continuous landscaped area not less than eight feet in width, containing evergreen shrubs, trees, fences, walls, berms, or any combination, forming a visual barrier not less than six feet in height.
4. Restroom facilities for the patrons shall be provided on the premises.

[Derivation: Section 5.29, 1989 Zoning Ordinance]

**SECTION 9-633**      RETAIL SALES OR SERVICES

No retail sales or services of food, beverages, or other items shall be offered or solicited except inside the building in which the retail sales or services are located except for: 1) restaurants which may offer on-premises consumption incidental to the operation of the restaurant, on a deck, porch, or equivalent structure, or in a garden, patio, or equivalent area; and 2) licensed seasonal cart vendors or victualers.

[Derivation: Section 5.30, 1989 Zoning Ordinance]

**SECTION 9-634**      SANDBLASTING

1. No person, owner, occupant or contractor shall sandblast any structure in the City without first obtaining a building permit.
2. No sandblasting shall be permitted within one hundred (100) feet of a public way or sidewalk except behind a protective cover over the structure or part being sandblasted. Protective covers shall be of non-flammable material and of sufficient strength and texture to prevent the escape of sand, dust and other particles onto or over public ways and sidewalks. There shall be filters to protect the public from exposure to the operations.
3. If any sand should escape onto any public way or sidewalk, said sandblasting shall cease immediately until the protective cover is tightly secured, and all sand is cleaned up outside the cover on the public way or sidewalk.
4. The City Manager shall have the authority to temporarily block off all or part of a public way or sidewalk in instances where a building is so close to a public way or sidewalk that there is insufficient room to erect a protective covering around a building without encroaching upon a public way or sidewalk.
5. All areas sandblasted that are of brick and mortar shall be covered with a protective sealer that will prevent deterioration of the brick and mortar, as a result of the hard exterior surface being removed or damaged from sandblasting.

[Derivation: Section 5.31, 1989 Zoning Ordinance]

**SECTION 9-635**      SANITARY PROVISIONS

The following standards shall apply to all new construction in the City of Hallowell.

1. All plumbing shall be connected to public collection and treatment facilities when such facilities are available as required by State Plumbing Rules.
2. When not serviced by the public sewage system, the approval of a building permit application shall be subject to presentation of a completed site evaluation form (HHE-200) which evidences adequate soil conditions for wastewater disposal.
3. For new construction, when two or more lots or buildings in different ownership share

a common subsurface disposal system, the system shall be owned and maintained in common by an owner's association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

[Derivation: Section 5.32, 1989 Zoning Ordinance]

**SECTION 9-636**      SCHOOLS, COLLEGES, CHURCHES, FRATERNAL ORGANIZATIONS,  
AND NOT-FOR-PROFIT CLUBS

New public and private schools, colleges, churches, fraternal organizations, and not-for-profit clubs shall meet the provisions below.

1. A green strip, suitably landscaped, at least 20 feet wide shall be provided along all property lines, except where driveways enter and exit.
2. No building shall be closer than fifty feet from a property line.
3. When adjacent to residences within 200 feet, parking areas and outdoor activity areas shall be effectively screened from view by a continuous vegetative barrier or stockade fence not less than six feet in height.

[Derivation: Section 5.33, 1989 Zoning Ordinance]

**SECTION 9-637**      SIGNS

1. Approval of Signs Required. Except as provided in Subsection 8, no person shall erect or maintain any sign visible to the public from any public way or public property except with the prior approval of the Code Enforcement Officer, in such form as he or she may require. The Code Enforcement Officer shall approve all signs that meet the criteria set forth in this Section. Signs in the Historic District are also subject to the approval standards and procedures of Subsection 5 of this Section.
2. Prohibited Signs. No person shall erect or maintain, and the Planning Board and the Code Enforcement Officer shall not approve nor issue a permit for:
  - A. Moving Signs: Signs with visible moving, revolving, or rotating parts or visible movement of any description, except for so-called barber poles or clocks, whether achieved by electrical or mechanical means.
  - B. Optical Illusions: Signs which create the effect of an optical illusion.
  - C. Roof Signs: Signs mounted wholly or in part on any roof or above the highest exterior point of any building.
  - D. Fluorescent or Phosphorescent Painted Signs: Signs using any kind of paint which causes the sign to glow in the dark or give the appearance of glowing.
  - E. Signs Exceeding twenty (20) feet in height: Signs or any portion of a sign structure

that exceeds twenty (20) feet in height measured from the adjacent road surface.

- F. Signs Unrelated to Goods or Services Not Available on the Premises. Except for directional signs permitted by the Maine Travelers Information Services Act, all signs shall relate to goods or services available on the premises on which the sign is located.
  - G. Fluctuating Illumination: Signs with lights or illuminations of any kind that flash, move, rotate, blink, flicker, or vary in intensity.
  - H. Inflatable Signs: Any inflatable object used as a sign or for promotional purposes.
3. Signs in Residential Districts.
- A. One (1) single- or double-faced sign not to exceed five (5) square feet in size shall be permitted per lot.
  - B. Illumination of signs shall be achieved only by steady, stationary, shielded light sources directed solely on the sign in such a manner as to not cause glare for motorists, pedestrians, or neighboring premises. Illumination of signs is subject to the standards of Section 9-616.3.
  - C. No sign shall be located within ten (10) feet of a street line or other lot line, except where the sign is to be applied to an existing fence or building that is on or within ten (10) feet of the street line or other lot line.
4. Signs in Business Districts Outside the Historic District
- A. One (1) free-standing sign not to exceed thirty (30) square feet in area per sign face shall be permitted per building.
  - B. One (1) single-faced sign not to exceed thirty (30) square feet in area, when affixed to a building, shall be permitted per building.
  - C. Signs may be illuminated by internal or external means in such a manner as to not cause glare for motorists, pedestrians, or neighboring premises. Illumination of signs is subject to the standards of Section 9-616.3.
5. Signs in the Historic District
- A. Purpose: Signs are among the most noticeable visual elements of the built environment. The purpose of this subsection is to balance the need for adequate identification, communication, and advertising with the need to protect the public safety and welfare, and to maintain and enhance the aesthetic environment of the Historic District. Signage installed in the Historic District should be designed and located in a manner which is respectful of the character of the building with which it is associated and the character of the surrounding buildings and environment.

B. Limitations:

- (1) One (1) single- or double-faced sign, not to exceed sixteen (16) square feet in area per sign face, shall be allowed per business or organization. In the case of a business or organization located in a building on a corner lot, or with a public entrance at the rear of the building, or both, one additional single-faced sign may be affixed to these portions of the building, with the following limitations:
  - a) Only one sign is permitted per business or organization on any single side of any building.
  - b) No single sign shall be greater than sixteen (16) square feet in area.
  - c) The aggregate square footage of all sign faces shall not exceed forty-eight (48) square feet per business or organization.
- (2) Illumination of signs, including signs located on the interior of buildings and readily visible from a public way, shall be achieved only by steady, stationary, shielded light sources directed solely on the sign in such a manner as to not cause glare for motorists, pedestrians, or neighboring premises. Signs located in the interior of buildings and which are not readily visible from a public way may be internally lit provided such signs conform to the standards of Section 9-616.3.

6. Maintenance or Discontinuance

- A. Maintenance: All signs shall be painted, maintained safe and consistent with the terms of any permit or approval given by the Planning Board or Code Enforcement Officer. In the event that any sign is not safely or appropriately maintained, the Code Enforcement Officer shall notify the owner thereof to undertake appropriate maintenance and repairs. If such maintenance or repairs are not completed within thirty days to the satisfaction of the Code Enforcement Officer, he may remove such sign in the manner provided by Subsection 7.
- B. Discontinued Business or Activity: In the event that the business or activity advertised by or related to any signs ceases operation for a period of four (4) months, the continued maintenance of such sign shall thereafter be illegal. The Code Enforcement Officer shall undertake removal of the sign in the manner provided by Subsection 7.

7. Removal of Unlawful Signs

- A. Notice. The owner of any sign which was or is unlawfully erected or maintained after the effective date of this Section shall be in violation of this Section until the sign is removed. The owner of such sign shall remove the sign within thirty (30) days of receipt of a notice to remove, sent by certified

mail, by the Code Enforcement Officer. If the identity of the owner is not known or reasonably ascertainable by the Code Enforcement Officer, the notice may be sent to the owner of the land on which the sign is located.

- B. Sign Removal. If the owner fails to remove the sign within thirty (30) days after receipt of the written notice provided for in paragraph A of this Subsection, the Code Enforcement Officer shall institute legal action in the name of the City to secure such removal.
  - C. Signs in Public Ways. Any sign erected or maintained within the limits of any public right of way or on any public property within the compact sections of the City, as defined by the Maine Department of Transportation excluding the exceptions allowable in Subsection 8 may be immediately removed by the Code Enforcement Officer without notice, and the Code Enforcement Officer may recover the cost of removal from the owner of the sign.
  - D. Non-Conforming Signs. Lawful signs which are in existence as of the effective date of this ordinance shall be considered non-conforming.
    - (1) Non-Conforming Signs in the Historic District. A non-conforming sign located in the Historic District may be maintained. Non-conforming signs in the Historic District shall conform to the standards of this Section when the nature of the business changes or when the sign needs to be replaced due to deterioration. A non-conforming sign in the Historic District may be replaced but not expanded within six months after accidental destruction.
    - (2) Non-Conforming Signs Outside the Historic District. Any non-conforming sign located outside of the Historic District may be maintained. If a non-conforming sign outside the Historic District is abandoned, destroyed, or no longer associated with an operating business for a period of more than six (6) months, the non-conformance is forfeited and any new sign must be made to conform to the standards of this Section.
8. Exemptions
- A. Governmental Bodies. Signs of a duly constituted governmental body.
  - B. Common Carriers. Signs on the rolling stock of common carriers or on registered and inspected motor vehicles, except those determined by the Code Enforcement Officer to be circumventing the intent of this Ordinance, including but not limited to, signs which are continuously or repeatedly in the same location.
  - C. Real Estate. Signs erected for the purpose of advertising the sale, lease or rental of real estate, provided, however, that no such sign shall exceed ten (10) square feet in size and that no person shall erect more than two (2) such signs on any parcel of land.

- D. Temporary Sales. Temporary signs erected and maintained for a period of not more than forty-eight (48) hours to advertise sales of goods which are not ordinarily undertaken by the person so advertising as a regular course of business, including but not limited to so-called lawn sales and garage sales, provided, however, that no such sign shall exceed ten (10) square feet in size and that no person shall erect more than two (2) such signs on any parcel of land.
- E. Inside Stores. Signs erected on the inside of commercial establishments, including, for example, on the inside of store windows, advertising the sale of goods or services, provided the signs conform with the illumination standards of the district in which they are located.
- F. Public Events. Signs to be maintained for not more than three (3) weeks announcing an auction, public supper, lawn sale, fair, exposition, or any other public event, campaign, drive, or like event of a public, civic, philanthropic, or religious organization. The date of this event shall be conspicuously posted on such signs.
- G. Political. Signs erected for the purpose of promoting or opposing the election of a candidate for public office, a pending public referendum or other public policy matter; provided, however, that such signs: 1) shall not exceed six (6) square feet per face, and 2) shall be removed within seven (7) days after any election for which the sign was erected.
- H. Holiday Decorations. Temporary decorative materials in place for a holiday or celebration.
- I. Name Plates. Signs indicating the owner or occupant of a residential building, provided that such sign does not exceed two (2) square feet.
- J. No Trespassing Signs. Signs prohibiting hunting, fishing, or trespassing provided that such signs are not more than two (2) square feet in size.
- K. Home Operated Businesses, having no external commercial appearance. The nature of such business may be displayed on not more than two (2) appropriate signs having an area not greater than five (5) square feet. No sign shall be a neon type or any other type of internally lighted sign nor shall it use any fluorescent, phosphorescent or reflective paint that glows in the dark. Signs are permitted only for owners or occupants of properties for home products or services sold or produced on the premises.
- L. Wayfinding. Signs indicating an entrance, exit, parking area, or similar indicators designed solely to control access to a building or site, provided each such sign does not exceed two (2) square feet.
- M. Public Works of Art or Acknowledgement. Public works of art or acknowledgement such as statues, sculptures, murals, and other artistic installations, as well as public installations acknowledging individuals, events, historic sites, and the like,

created or sponsored by a duly constituted governmental body.

9. Sandwich Signs.
  - A. Such signs may only be placed on City sidewalks within the Downtown District in front of property owned, leased or rented by the sign owner.
  - B. No more than one third of the width of the sidewalk shall be used upon which to place the sign, nor shall the sign be placed in front of goods on display, nor in the middle third of the sidewalk. A minimum of two thirds (2/3) of the sidewalk shall remain unencumbered at all times to allow the free passage of pedestrian traffic. In no event shall the sign block, impede or be placed upon any wheel chair ramp.
  - C. No sign shall be maintained upon a sidewalk during non-business hours, during a snowstorm or after a snowstorm prior to the removal of the snow by the City.
  - D. Only one sandwich sign, conforming to the standards of A through C, above, is allowed per business public entrance.
10. Flags.
  - A. One (1) flag, used as a sign or for promotional purposes, and/or indicating that a business is open for business, is permitted per business. In the case where there is more than one business in a building, only one (1) flag is permitted per public business entrance.
  - B. Flags must be securely fastened to the building with which they are associated so as to prevent swinging, becoming dislodged, or otherwise endangering public safety.
  - C. Flags may be on display when the business is open and shall be removed when the business is closed.
  - D. Flags shall be mounted at a sufficient height and angle such that they do not impede visibility or movement of pedestrians or motorists as determined by the Code Enforcement Officer.
11. Extension Over Sidewalks and Public Ways.
  - A. Any sign erected on a building at a height of less than eight (8) feet above the ground level shall be placed flat against the building to which it is affixed and shall not extend more than six inches (6) over any sidewalk or public way.
  - B. Any sign erected on a building at a height of eight (8) feet or more above ground level may extend over a sidewalk but may not extend beyond the curb level, if any, nor extend over any public road.

12. Signs to be Securely Constructed and Fastened. All signs and any other awnings, shades, marquees, or other structures extending over a sidewalk or public road or way shall be constructed in a structurally sound manner and if erected above ground level, shall be securely fastened or supported in a manner satisfactory to the Code Enforcement Officer to restrain swinging, oscillation or other movement that would endanger people or property. No such sign, awning, shade, marquee, or structure shall unreasonably obstruct pedestrian or motor vehicle traffic on any sidewalk or public road or way.
13. Proof of Insurance. The Code Enforcement Officer shall not issue a permit under Subsections 11 and 12, above, for an on-premise sign until the owner files with him proof of having obtained public liability insurance covering property damage in the amount not less than five thousand dollars (\$5,000) and bodily injury in an amount not less than fifty thousand dollars (\$50,000). Such insurance shall thereafter be continually maintained by the owner of the sign. Any lapse in such coverage shall necessitate immediate removal of the sign by the owner.
14. Appeals. The Planning Board may reverse the decision of the Code Enforcement Officer and approve signs, provided that the following standards are met. Such appeals shall be subject to the notification requirements of Section 9-184.2.
  - A. Within the Historic District, the Board may approve a proposed sign if it determines that the proposed sign's size, shape, texture, color, manner of lighting, materials, and lettering are harmonious with the architectural character and period and the aesthetic appearance of any building to which it may be affixed and/or to adjacent buildings, structures, or areas to which it is visually related.
  - B. Outside of the Historic District, the Board may approve a proposed sign if the Board determines that the proposed sign does not represent a safety hazard to pedestrians and motorists, and that the proposed sign, together with any associated landscaping, is compatible with the general character of the neighborhood. All other requirements of this Chapter shall be met.
  - C. Conditions. The Board may impose reasonable conditions and limitations on any applicant consistent with the purposes and intent of this Chapter.
  - D. Decisions of the Planning Board pursuant to this section are subject to review for the same purposes and in the same manner as described in Subchapter X. A variance from the Board of Appeals for a sign permit shall be available only for setback requirements applicable to signs.

[Derivation: Section 5.34, 1989 Zoning Ordinance as amended 9/10/90 and 4/13/92; Ord. No. 11-03, eff. 8/18/2011; Ord. No. 12-11, eff. 10/19/2012; Ord. No. 15-07; eff. 07/23/2015; Ord. No. 19-05, eff. 10/17/2019]

**SECTION 9-637.1 SOLAR ENERGY SYSTEM – PUBLIC UTILITY**

1. Overhead or pole-mounted electrical wires shall be avoided to the extent practical within the facility.

2. Removal and Abandonment.
  - A. Commercial solar energy systems that have reached the end of their useful life or that have been abandoned consistent with this ordinance shall be removed. A system shall be considered abandoned if it has not operated for more than 365 days.
  - B. A decommissioning bond or other surety shall be required, demonstrating adequate financial capacity to remove the system once it reaches the end of its useful life or is abandoned for any reason. Once the system has reached the end of its useful life or is abandoned by the owner or operator shall, within 365 days of ceasing operation:
    - (1) Remove all solar energy systems, structures, equipment, security barriers, and transmission lines from the site.
    - (2) Dispose of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
    - (3) Stabilize or revegetate the site as necessary to minimize erosion. Native plants or seed mixtures shall be used to the maximum extent possible.

[Derivation: Ord. No. 21-02, eff. 3/18/2021]

**SECTION 9-637.2**     SOLAR ENERGY SYSTEM – PRIVATE

1. Private solar energy systems are a permitted use in all districts.
2. Private solar energy systems shall require a building permit from the Code Enforcement Officer and the permit fee shall be the same as for an accessory structure.

[Derivation: Ord. No. 21-02, eff. 3/18/2021]

**SECTION 9-638**     STORM WATER RUN-OFF

Storm water run-off shall be managed and directed via surface or subsurface drainage systems designed to accommodate the drainage flows based upon a twenty-five-year, twenty-four-hour storm event. Storm water retention practices shall be employed to minimize impacts on neighboring and downstream properties. In areas of aquifer recharge, Storm water infiltration (after separation of leachable, harmful substances) shall be required. Where retention/infiltration is unwarranted or unfeasible, off-site improvements to natural or manmade drainage systems may be necessary to increase capacity and prevent erosion at the developer's expense. The natural state of watercourses, swales or floodways shall be maintained. No stripping of land, building, construction, paving, or other disturbance of undeveloped land shall cause a significantly greater runoff than that which existed prior to development at any property line.

[Derivation: Section 5.35, 1989 Zoning Ordinance]

**SECTION 9-639**      SWIMMING POOLS

No person or firm shall begin construction of or erect a swimming pool without first obtaining a permit from the Planning Board. All such pools shall remain empty until the Code Enforcement Officer determines that the enclosure requirements of Subsection 1 below have been met. The Planning Board shall issue a permit only after determining from plans or specifications presented by the applicant that the proposed swimming pool will conform with the following requirements.

1.     Pools to be kept enclosed. Every swimming pool shall be enclosed by a fence or wall at least four (4) feet in height, with no openings larger than four (4) inches, and built so as to deter children. Any building or related structure may be included as part of the required enclosure. All gates and door openings through the enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely latched at all times when not in use.
  
2.     Set-Back Requirements. No swimming pool shall be constructed closer than ten (10) feet from the side or rear lot line, nor closer to the front line of any lot than would be permitted for buildings or other structures by other provisions of this Chapter. All mechanical equipment for the purposes of filtering, heating, pumping, cleaning, filling, draining or any other maintenance related activity shall not be located closer to a property line than the minimum yard set-backs of the zoning district in which the pool is located.

[Derivation: Section 5.36, 1989 Zoning Ordinance]

**SECTION 9-640**      MULTIPLE DWELLINGS ON ONE LOT

The distance between dwelling units in separate structures on one lot or parcel, shall be at least equal to the minimum side yard set-back for the district in which the dwellings are to be located.

1.     Undeveloped Parcels (no existing dwelling unit on property)
  - A.     If the parcel is located in an area in Hallowell served by a public, special district or other centrally managed water system, or if the parcel is in the Growth Area of the municipality's Comprehensive Plan, the lot owner of record is permitted to have up to four (4) dwelling units. The third and fourth units may be located within a structure or multiple structures. If the third and/or fourth units are built within a five (5) year period, this may be subject to subdivision review. Subdivision Ordinance requirements still apply.
  
  - B.     if the parcel is located outside the designated Growth Area, as delineated in the municipality's Comprehensive Plan, the lot owner of record for the property may have up to two (2) dwelling units per lot. The two dwelling units may be within a single structure or two separate structures. Subdivision Ordinance requirements still apply.

2. Developed Parcels (lots with existing dwelling units already on lot)
  - A. If the parcel contains one (1) existing dwelling unit, up to two (2) additional dwelling units may be constructed. The additional units may be located within, attached to, or detached from the existing structure. The lot owner may also choose to have one unit detached and one unit attached to the existing structure.
  - B. If the parcel contains two (2) or more existing dwelling units, no additional units are allowed.
3. All residential dwelling units must comply with the Shoreland Zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3, and municipal Shoreland Zoning Ordinance.
4. All residential dwelling units permitted after January 1, 2024, may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.
5. If more than one principal dwelling unit is constructed or established on a single lot, all dimensional requirements for land area shall be met for each additional dwelling unit and/or principal structure. For example, if the minimum lot size is one-acre per dwelling unit, the lot size requirement for a second principal dwelling would be two acres.
6. No additional road frontage is required for additional principal dwelling units on one lot.
7. This Section shall not be construed to exempt a property owner from the applicable provisions of the State subdivision statute, 30-A M.R.S. §4401-4408, or (Subdivision Ordinance) relating to division of a tract or parcel of land.
8. If a dwelling unit is in existence after January 1, 2024, and is torn down after that date, that lot will not be treated as a vacant lot; it will be treated as if the dwelling unit was still standing (see Undeveloped Parcels versus Developed Parcels above).

[Derivation: Section 5.37, 1989 Zoning Ordinance; Ord. No. 25-07, eff. 11/20/2025]

#### **SECTION 9-641      TOWERS**

No tower shall be constructed, erected, or enlarged unless application therefore has been reviewed and approved by the Planning Board in accordance with Subchapter VII, and is in compliance with all of the following criteria:

1. Setbacks:

- A. The tower drop zone, as defined below, shall be located entirely within a lot. In addition the minimum setback from a street right-of-way shall be 50 feet measured from the edge of the drop zone, and the minimum setback in all other cases shall be 25 feet measured from the edge of the drop zone. All tower parts, including guy wires, anchors and ancillary facilities shall be located within the drop zone.

[Derivation: Ordinance No.: 07-06, Eff. August 23, 2007]

- B. As used in this paragraph the term "drop zone" shall mean the area within a circle at ground level, the center of which is the vertical center of and the radius of which is equal to the height of the tower measured from natural ground level.

2. Site Security. A chain-link (security) fence or wall not less than eight (8) feet in height from the finished grade shall be provided around each tower. Access to the tower(s) shall be through a locked gate.

3. Non-ionizing Electromagnetic Radiation (NIER):

- A. Towers may not emit unsafe levels of non-ionizing electromagnetic radiation (NIER) levels beyond the tower sites boundaries;
- B. NIER shall be at safe levels measured at the property lines of the site. The standard for emission levels shall be the federal or state NIER emission or measurement standard, whichever is more strict. Until such standard(s) are established, the NIER emissions shall not expose the general public to ambient radiation exceeding an equivalent plane-wave power density of 0.2 milliwatts per square centimeter (mW/cm<sup>2</sup>) at 30-300 megahertz (MHZ) frequency range averaged over a 0.1 hour period.

4. Structural Integrity:

- A. The use of de-icing material on towers may be required by the Planning Board.
- B. All towers must be designed to withstand a wind velocity of at least 100 mph.

5. Design and Visibility:

- A. Towers shall be of a galvanized finish or painted gray above the surrounding tree line, and painted gray or green below the surrounding tree line unless other standards are required by the Federal Aviation Administration. In all cases, guyed towers shall be preferable to free standing structures.
- B. Towers shall be designed and sited so as to avoid application of FAS lighting and painting requirements.

- C. Towers shall not be artificially lighted except to assure human safety as required by the Federal Aviation Administration; Ancillary facilities shall maximize use of building materials, colors and texture designed to blend with the natural surroundings.
6. Electronic Interference. Any electronic interference caused by a tower shall be corrected by the tower operator upon complaint.
7. Access and Parking. A driveway and parking facility shall be provided to assure adequate emergency and service access.
8. Site Plan. The application for a Conditional Use Permit under Subchapter VII shall in addition to all other requirements contained in Subchapter VII, require the submission to the Planning Board a completed visual environmental assessment on a form provided by the Code Enforcement Officer and a landscaping plan evidenced compliance with these standards. An environmental impact study may be ordered by the Planning Board if it deems such a study is necessary. Applicants must also show that all Federal Aviation Administration requirements have been complied with. In the case of new towers, the applicant shall submit a report demonstrating good faith efforts to secured share use from existing towers as well as documenting capacity for future shared use of the proposed tower.
9. Towers are specifically prohibited within the Historic and Shoreland overlay districts.
10. Removal. A tower must be dismantled and removed within twelve months after the tower is no longer in use.

[Derivation: Section 5.37-A, 1989 Zoning Ordinance as adopted 9/28/92; Ord. No. 12-11, eff. 10/19/2012]

**SECTION 9-642**      VISION CLEARANCE

In all zones except the Downtown District, no fence, wall, or sign shall be erected, and hedges, trees, or other growth shall be planted which may cause danger to traffic on a street or road by obstructing the view. Where essential for traffic safety a property owner may be required to keep vegetation, signs or other visual obstruction below three (3) feet in height in the required set-back according to the ASSHTO standards for vision clearance.

[Derivation: Section 5.38, 1989 Zoning Ordinance]

**SECTION 9-643**      WASTE FACILITIES

1. Definitions. All terms not expressly defined in this Section, including the terms “waste facility,” “solid waste,” “septage,” “handle,” “storage,” “transport,” “treatment,” “disposal,” “recycling” and “resource recovery,” shall have the same meaning as provided in 38 M.R.S.A. §1303-C. The terms “garbage” and “junk” shall have the

same meaning as provided in Section 5-401 of this Code, except as otherwise provided herein. Waste facilities specifically include, but are not limited to, the following types of uses: solid waste landfills, junkyards, waste transfer or storage facilities, waste recovery or recycling facilities, and composting facilities containing more than 2,000 cu. Ft. of non-vegetative organic matter, but expressly excludes hazardous, biochemical or special waste handling facilities, tire processing and storage facilities, and Recycling Centers as defined in section 9-151(145).

2. Requirements. Any waste facility constructed, operated or maintained within the City must be approved in accordance with the standards provided under Subchapter VII of this Chapter. A permit issued by the Planning Board or the Code Enforcement Officer shall be expressly conditioned upon the following:
  - A. The owner or operator of the waste facility shall have obtained all permits and approvals required under State and Federal law, and shall comply and continue to comply, with all applicable State and Federal statutes and regulations relating to that facility.
  - B. The owner or operator of the waste facility shall have obtained all necessary licenses or permits required under applicable provisions of this Code, and shall comply and continue to comply with all such conditions and requirements of this Code.
  - C. A waste facility shall not be located within 500 feet of any water body or wetland, within 300 feet of a floodplain as shown on FEMA maps, or within 300 feet of the edge of a sand and gravel aquifer, designated by the Maine Geographical Survey.
  - D. A waste facility use shall not be located within 500 feet of an existing residential or school property line or residential district boundary line.
  - E. No obnoxious odors may be emitted from a waste facility.
  - F. A waste facility that provides for the outside storage of solid waste, including junkyards and landfills, but excluding compost facilities, shall at all times be completely screened from sight of persons on surrounding properties within a one-mile radius of the waste facility, including properties at higher elevations.
  - G. Transportation of waste or product to or from a waste facility shall, to the maximum extent possible, be routed over roads and highways that are not within the urban compact area of the City.
  - H. Adequate measures shall be taken to ensure that safe and healthful conditions are maintained during the operation of the waste facility and after the closure of the waste facility.

[Derivation: Ord. No. 97-3, eff. 04/18/1997; Ord. No. 21-03, eff. 06/17/2021]

**SECTION 9-644**      WATERSHED PROTECTION

Within the Jimmy Pond watershed, as shown on the Official Zoning Map, the following activities shall be prohibited within 150 feet of a stream or drainage way: the spreading or storage of manure or other animal wastes; and the location, storage or discharge of any treated, untreated, or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that run-off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human, animal, plant or aquatic life or marine navigation.

[Derivation: Section 5.39, 1989 Zoning Ordinance]

**SECTION 9-645**      BC DISTRICT STANDARDS

1.      Parking lots shall contain appropriate and effective tree buffer strips within at least every 125 feet of parking area.
2.      Access to commercial lots in the BC District(s) shall have only one entrance for each 300 feet of right of way (lot) frontage.
3.      The architectural design of commercial buildings in the BC District shall be compatible with adjacent and surrounding traditional rural structures and landscapes. Compatibility shall be determined by comparing the proposed construction to the visual presence of traditional rural structures on the landscape. Elements for review of compatibility include similarity of: height, massing, roof forms, window and door openings, roofing and siding materials, orientation of and connections between multiple buildings, placement of building(s) on the landscape, and use of local vegetation for landscaping.
4.      A landscaping plan must be provided as part of the site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, and create a pleasing site character.
5.      Building placement: The site design should avoid creating a building surrounded by a parking lot. Buildings should be placed close to the street, in conformance with existing adjacent setbacks or code requirements which ever is more appropriate. Parking should be to the side, preferably to the back.

[Derivation: Ordinance No.: 03-13, Effective: September 18, 2003]

**SECTION 9-646**      MARIJUANA-RELATED STANDARDS

1.      Setback Requirements for Marijuana Cultivation for Personal Use. Notwithstanding the setback requirements established in any other section of this Chapter, the minimum setback from any lot line for the outdoor cultivation of marijuana solely for personal use shall be fifty (50) linear feet.

2. Setback Requirements for Marijuana-Related Businesses. Notwithstanding the setback requirements established by any other section of this Chapter, the minimum setback for marijuana business establishments (including, but not limited to, Marijuana Products Manufacturing Facilities, Marijuana Retail Stores, Marijuana Testing Facilities, and Indoor and Outdoor Marijuana Cultivation Facilities) shall be 1,000 linear feet from any lot line on which the business establishment is located to nearest the lot line of a public school, a private school, or a public recreational facility (including, but not limited to, public parks, ball fields, playgrounds, or other areas of public active or passive recreation, but not including the Kennebec River Rail Trail, Granite City Park, Vaughan Field, and the pocket park on the corner of Second and Union Streets).

[Derivation: Ord. No.: 18-15, eff. 11/23/2018; Ord. No. 20-03, eff. 02/20/2020]

**SECTION 9-647**      COMMERCIAL SHORT TERM RENTALS

1. Notwithstanding the Parking and Loading Standards of Sections 9-629 and 9-631.2, there shall be at least one 9'x18' off-street parking space provided per rental unit except that this provision shall not apply to downtown properties in the area bounded by the Kennebec River on the east, the railroad overpass on the north, Temple and Chestnut Streets on the south, and the railroad tracks on the west.
2. There shall be at least one full bathroom, shared or private, available for each rental unit.
3. Each rental unit shall have a minimum floor area of 120 square feet.
4. If cooking facilities are available, renters may prepare their own food. Food shall not be prepared for renters by the property owner or his or her agent.
5. Mobile homes, campers, recreational vehicles, travel trailers, and other non-permanent structures shall not be used as short-term rentals.
6. Commercial Short Term Rental Facility operators shall be subject to the licensing requirements of Section 7-324.
7. Commercial Short Term Rental Facilities shall comply with all relevant life safety codes, as prescribed by the State Fire Marshal's Office and its most recently adopted version of NFPA 101.
8. Emergency contact information shall be supplied in all rental units and shall include, at a minimum, the name(s), 24-hour phone number(s), and email address(es) of the property owner and/or manager.

[Derivation: Ord. No.: 21-01, eff. 02/18/2021; Ord. No. 26-01, eff. 4/23/2026]

**SECTION 9-648**      ACCESSORY DWELLING UNITS (ADUS)

1. ADUs are exempt from any density requirements or lot area requirements related to

the area in which it is constructed, except that for any ADUs within the Shoreland Zone, it may only be established on a lot where the ADU itself can meet the minimum lot area and minimum shore frontage requirements of Section 15(A) (e.g., for a single family residence and an ADU on a lot in the Shoreland Zone, the lot must have twice the minimum lot area and twice the minimum shore frontage).

2. An ADU may be constructed:
  - A. Within an existing dwelling unit on the lot;
  - B. Attached to a single-family dwelling unit; or,
  - C. As a new structure on the lot for the primary purpose of creating an ADU.
  - D. Within an existing accessory structure if the setback requirements of the municipality are met.
3. Any structure containing an ADU must adhere to all setback and dimensional requirements outlined in this Ordinance.
4. The accessory dwelling unit must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, as may be amended, adopts a different minimum standard; if so, that standard applies. Other size limitations apply if located within a subdivision.
5. An accessory dwelling unit can be no greater than 1000 square feet, or 50% of the principal structure, whichever is more restrictive. Calculation of total gross floor area for an ADU shall not include: garage areas or unfinished attic or basement space. Unfinished attic space shall not include any electrical receptacles, finished walls or finished flooring. Total floor area of an ADU shall be measured from the interior faces of the inside walls.
6. Additional parking requirements for the ADU beyond those required for the single-family dwelling are not permitted.
7. An ADU is allowed on a non-conforming lot or in a non-conforming structure if the ADU does not further increase the non-conformity, meaning the ADU does not further increase deviation from the dimensional standard(s) creating the non-conformity.
8. An After-the-Fact permit may be obtained for an ADU that was not built with municipal approval as long as the Accessory Dwelling Unit otherwise meets the requirements set forth in this Ordinance, provided proper documentation has been submitted to the CEO.
9. All residential dwelling units, including ADUs, permitted after January 1, 2024, may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the

United States Constitution or the Constitution of Maine.

10. If connected to the Hallowell sewer system, or equivalent centralized system, proof of adequate capacity to accommodate the added wastewater created by an additional unit and proof of payment for the connection to the sewer system; If connected to a comparable sewer system as defined in this Ordinance, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the system;
11. If connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A MRS §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, State of Maine Subsurface Wastewater Disposal Rules, as amended;
12. If connected to Hallowell's water system, or equivalent centralized system, proof of adequate capacity to accommodate the added demand created by an additional unit, and proof of payment for the connection. Note: If Town does not have a public water system: If connected to a centrally managed water system as defined in this Ordinance, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the system;
13. If proposed to be connected to a well, the applicant must include proof that the water supply is potable, acceptable for domestic use, and can accommodate anticipated demand.
14. Design Criteria:
  - A. An ADU shall be designed to maintain the architectural design, style, appearance, and character of the principle structure as a single-family residence. If an ADU extends beyond the existing footprint of the principle structure, such an addition must be consistent with the existing façade, roof pitch, siding, windows, doors, trim, and other exterior elements of the building. In the interest of energy efficiency and conservation, active and passive solar features are exempted from this requirement.
  - B. Exterior stairs are restricted to the rear or sides of the structure wherever practicable.
  - C. Wherever practicable, no more than one curb cut per lot shall be permitted, unless the lot has multiple curb cuts at the time of the application being filed.
  - D. A detached accessory structure housing an ADU must be designed and constructed in the style of a barn, garage, carriage house, or similar traditional outbuilding.

[Derivation: Ord. No.: 25-07, eff. 11/20/2025]

**SECTION 9-649**      **AFFORDABLE HOUSING DEVELOPMENT**

1. Affordable housing developments are permitted in zoning districts that permit multi-family housing and are in Hallowell's designated growth area, as outlined in the Comprehensive Plan.
2. The Planning Board shall review all applications for affordable housing developments per the City of Hallowell's Subdivision Ordinance.
3. Water/Wastewater

The property owner of record must provide written verification that the proposed unit(s) can be connected to adequate water and wastewater services prior to the issuance of a certification for occupancy. Written verification must include the following:

- A. If connected to the Hallowell sewer system, or equivalent centralized system, proof of adequate capacity to accommodate the added wastewater created by an additional unit and proof of payment for the connection to the sewer system; If connected to a comparable sewer system as defined in this Ordinance, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the system;
  - B. If connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A MRS §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 CMR Ch.241, State of Maine Subsurface Wastewater Disposal Rules, as amended;
  - C. If connected to Hallowell's water system, or equivalent centralized system, proof of adequate capacity to accommodate the added demand created by an additional unit, and proof of payment for the connection. If connected to a centrally managed water system as defined in this Ordinance, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the system;
  - D. If proposed to be connected to a well, the applicant must include proof that the water supply is potable, acceptable for domestic use, and can accommodate anticipated demand.
4. The owner or agent of the affordable housing development must (1) execute a restrictive covenant, (2) record the restrictive covenant in the Kennebec County Registry of Deeds to ensure that, for at least 30 years after completion of construction:
    - A. For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local Area Median Income (AMI) at the time of initial occupancy; and

- B. For owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the local Area Median Income (AMI) at the time of initial occupancy.
  - C. Area Medium Income will be determined by Maine Housing at the time the application is submitted.
- 5. Each dwelling unit shall be equipped with approved, hardwired smoke and CO detectors, according to the Nation Fire Protection Association's Life Safety Code.
  - 6. Multi-family dwelling units that fit the above criteria for Affordable Housing are allowed to have a dwelling unit density of 2 ½ times the base density that is otherwise allowed in the Growth Area and require two (2) off street parking spaces for every three (3) units. For example, if a developer can build one unit on a two-acre site under this Ordinance, and designates the development as affordable, the developer would be eligible to build two units on the two-acre site (1 X 2.5).
  - 7. Two (2) off-street parking spaces are required for every three (3) units.

[Derivation: Ord. No.: 25-07, eff. 11/20/2025]