

**TOWN OF
DENMARK, MAINE**
“Beautiful by Nature”



Proposed Amendments To The June 2024
Zoning Ordinance of the Municipality of Denmark, Maine

**CHAPTER 5. PERFORMANCE STANDARDS,
SPECIFIC ACTIVITIES AND LAND USES**

**SECTION 5.9. Manufactured Homes And
Manufactured Home Parks, Mobile Homes And
Mobile Homes Parks**

**INCORPORATING LD 337 PROVISIONS
APPROVED BY MAINE STATE LEGISLATURE IN 2024**

**FOR TOWN OF DENMARK PLANNING BOARD
PUBLIC HEARING
OCTOBER 31, 2024**

July 25 Amendments Shown in Red-Line August 29 Amendments Shown In Blue
September 26 Amendments Shown in Green October 31 Amendments Shown In Grey

CHAPTER 5 – PERFORMANCE STANDARDS, SPECIFIC ACTIVITIES AND LAND USES

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CHAPTER 3 - LAND USE DISTRICT REQUIREMENTS *(Amended 6.3.24)*

3.1. General requirements. *(6.1.24)*

3.1.1. A Plumbing Permit and Building or Use permit shall be required for all buildings, uses, and sanitary facilities, according to the provisions of Chapter 5 of this Ordinance.

3.1.2. For Accessory Dwelling Units (ADU) [and Manufactured Homes](#), [Manufactured Home Parks](#), [Mobile Homes](#), [Mobile Home Parks](#) see Chapter 5 and other sections of this Ordinance.

3.2. Land Use Controls. *(6.3.23)*

Permitted and Conditional Uses shall conform to the performance standards delineated in Article 5 of this Ordinance as Applicable. Uses permitted and allowed as conditional uses in each District shall be only those uses designated in the table below:

- Y - Permitted use, no permit required
- P - Permitted use, Code Enforcement Officer permit required
- C - Conditional use, Planning Board permit required
- N - Prohibited use
- N/A - Not Applicable
- * - See performance standards in Chapters 4 or 5
- ** - See separate ordinance

| | <u>Resource Protection</u> | <u>Shoreland</u> | <u>Village</u> | <u>Rural</u> | <u>Aquifer Protection</u> |
|--|--------------------------------|------------------|----------------|--------------|-------------------------------|
| Agriculture* | P | P | Y | Y | Y |
| Single-Family Dwelling | N | P | P | P | P |
| Two Family Dwelling | N | P | P | P | P |
| Multi-Family Dwelling | N | C | C | C | C |
| Planned unit development* | N | N | N | C | C |
| Accessory Dwelling Units (ADUs)* | N | P | P | P | P |
| Cluster development* | N | C | C | C | C |
| Manufactured Mobile Homes not in a Manufactured Home Park and Mobile Homes not in a Mobile Home Park mobile home park | N | P | N | P | P |
| Manufactured Home Park and Mobile Home Park | N | N | N | P | N |
| Conversion of seasonal residences to year-round residences | N | P | Y | Y | Y |
| Home occupations* | N | P | P | Y | C |

5.9. ~~Manufactured Mobile~~ Homes and ~~Manufactured Home Mobile~~ Parks, Mobile Homes and Mobile Home Parks. (6.1.24)

5.9.1. ~~Manufactured Mobile~~ Homes not in a ~~Manufactured Mobile~~ Home Park and Mobile Homes not in a Mobile Home Park.

~~5.9.1.1. Manufactured Homes Mobile homes~~ not in a ~~Manufactured Home Park mobile home park~~ and Mobile Homes not in a Mobile Home Park shall meet all the requirements of this Ordinance for Single-Family Dwellings. ~~Any manufactured housing unit manufactured prior to June 15, 1976 shall meet the access, egress and ventilation standards of the National Fire Prevention Association, Life Safety Code 101, 2018 edition.~~

5.9.2. ~~Mobile~~ Manufactured Home Parks and Mobile Home Parks.

~~5.9.2.1. Mobile home parks~~ Manufactured Home Parks and Mobile Home Parks are subject to review and approval by the Town of Denmark Planning Board. Except as stipulated below, ~~mobile home parks~~ Manufactured Home Parks and Mobile Home Parks shall meet all the requirements for a residential subdivision provided for in the Subdivision Regulations-Town of Denmark and shall conform to all applicable State laws and local ordinances or regulations. Where the provisions of this Section conflict with specific provisions of the ~~Denmark~~ Subdivision Regulations,--Town of Denmark, the provisions of this Ordinance Section shall prevail.

5.9.2.1. 1. Lot Area and Lot Width Requirements.

~~5.9.2.1.1.1.~~ Notwithstanding the ~~d~~Dimensional ~~r~~Requirements table ~~located in Section 4.3.~~ of this Ordinance, lots in a Manufactured Home Parks and Mobile Home Parks ~~mobile home park~~ shall meet or exceed the following minimum lot area and lot width requirements.

5.9.2.1. 1.1.1. Lots served by individual subsurface wastewater disposal systems:

Minimum lot area: 20,000 square feet*

Minimum lot width: 100 feet

5.9.2.1. 1.1.2. Lots served by a central subsurface wastewater disposal system approved by the Maine Department of Human Services:

Minimum lot area: 12,000 square feet*

Minimum lot width: 75 feet

* Exclusive of required buffer areas.

5.9.2.1. ~~2.3.~~ The overall density of any ~~Manufactured Home Park park~~ or Mobile Home Park served by any subsurface wastewater disposal system shall not exceed one Dwelling Unit per 20,000 square feet of total ~~Manufactured Home Park park~~ or Mobile Home Park area.

5.9.2.1.3. For Manufactured Home Parks and Mobile Home Parks served by a public sanitary sewer system, an additional area for open space and/or recreation

equal to at least 9.0% of the combined areas of the individual lots shall be provided.

5.9.2.1.4.2.4. No part of any lot within a Manufactured Home Park or Mobile Home Park may be located within any Shoreland District, Aquifer Protection District, or Resource Protection District.

5.9.2.2. Manufactured Home and Mobile Home ~~Unit~~ Setback Requirements.

5.9.2.2.1. Manufactured Homes and Mobile Homes ~~Structures~~ shall not be located less than 15 feet from any boundary lines of an individual lot and shall also respect required buffer areas.

5.9.2.2.2. On lots which abut a public way either within or adjacent to the Manufactured Home Park or Mobile Home Park, ~~park or adjacent to the park~~, structures shall meet the front setback requirements in the ~~d~~Dimensional Requirements table ~~in Section 4.3~~ of this Ordinance.

5.9.2.3. Buffering.

5.9.2.3.1. If a Manufactured Home Park or Mobile Home Park is proposed with a residential density at least twice the density of adjacent development in existence, or at least twice the density permitted in the zoning District in which the Manufactured Home Park or Mobile Home Park is located, ~~if the neighboring land is undeveloped~~, the Manufactured Home Park or Mobile Home Park shall be along its boundaries, designed with a continuous landscaped buffer area not less than fifty feet in ~~depth~~width which shall contain no structures or ~~roads~~streets, and no utilities may be placed in the buffer area except that utilities may cross a buffer strip to provide services to a Manufactured Home Park or Mobile Home Park. The continuous landscaped buffer area shall be provided to visually screen the Manufactured Home Park or Mobile Home Park structures from neighboring, adjacent Dwellings. Where no natural vegetation can be maintained due to varying site conditions, the buffer landscaped area shall be augmented with fences, walls, tree plantings, hedges or combinations thereof to maintain a visual screen. The buffering shall be sufficient to minimize the impacts of any kind such as: loading and unloading operations, outdoor storage areas, recreational facilities, vehicle parking, and waste collection areas. The buffer areas shall be maintained and vegetated, as necessary, and replaced as needed to insure continuous year-round screening. The Town of Denmark may impose additional, reasonable, natural screening requirements within the first 25 feet of the buffer areas.

~~5.9.2.3.2.~~

~~The buffering standards of Section 6.8.5. shall apply to mobile home parks.~~

5.9.2.4. Road Design, Circulation, and Traffic Impacts.

5.9.2.4.1. Roads within a Manufactured Home Park or Mobile Home Park shall be designed by a Maine Licenced Professional Engineer, ~~registered in the State of Maine~~.

5.9.2.4.2. Roads which the applicant proposes to be dedicated as public ways shall

be designed and constructed in accordance with the standards for streets or roads provided in the Subdivision Regulations-Town of Denmark Subdivision Regulations and below. Each Manufactured Home or Mobile Home shall count as one Dwelling Unit in the Subdivision Regulations.

5.9.2.4.3. Roads which the applicant proposes to remain private ways shall meet the following minimum geometric design standards.

Minimum right of way width: 23 feet

Minimum width of traveled way: 20 feet

5.9.2.4.4. Any Manufactured Home Park or Mobile Home Park ~~mobile home park~~ expected to generate average daily traffic of 200 trips per day or more in the aggregate shall have at least two road connections with existing public roads. Any road within a Manufactured Home Park or Mobile Home Park ~~park~~ with an average daily traffic of 200 trips per day or more, shall have at least two road connections leading to existing public roads, other roads within the Manufactured Home Park or Mobile Home Park ~~park~~, or other roads shown on a ~~an~~ approved subdivision plan approved by the Town of Denmark Planning Board.

5.9.2.4.5. No individual lot within a Manufactured Home Park~~park~~ or Mobile Home Park shall have direct vehicular access onto an existing public road.

5.9.2.4.6. The intersection of any road within a Manufactured Home Park~~park~~ and an existing public road shall meet the following standards.

5.9.2.4.6.1. Angle of intersection.

5.9.2.4.6.1.1. The desired angle of intersection shall be 90°. The minimum angle of intersection shall be 75°.

5.9.2.4.6.2. Maximum Grade within 75 feet of beginning of intersection.

5.9.2.4.6.2.1. The maximum permissible grade within 75' of the beginning of intersection shall be 2%.

5.9.2.4.6.3. Minimum Sight Distance.

5.9.2.4.6.3.1. The minimum sight distance shall be measured and specified in the Subdivision Regulations ~~-of the~~-Town of Demark.

5.9.2.4.6.4. Distance from other intersections.

5.9.2.4.6.4.1. The centerline of any roadstreet within a Manufactured Home Park~~park~~ or Mobile Home Park intersecting an existing public road shall be no less than 125 feet from the centerline of any other roadstreet intersecting that public road.

5.9.2.4.7. The application shall contain an estimate of the average daily traffic projected to be generated by the Manufactured Home Park~~park~~ or Mobile Home Park. Estimates of traffic generation shall be based on the latest edition Trip Generation Manual published by the Institute of Transportation Engineers. If the Manufactured Home Park~~park~~ or Mobile Home Park is projected to generate more than 400 average daily traffic~~vehicle trips per day~~, the application shall also include a traffic impact analysis, prepared by a Maine Licenced Professional

Engineer by a registered professional engineer with experience in conducting traffic impact analyses in transportation engineering.

5.9.2.5. No development or subdivision which is approved by the Town of Denmark Planning Board under this Section as a Manufactured Home Park~~mobile home park~~ or Mobile Home Park may be converted to another use without the prior approval of the Planning Board, and without meeting the appropriate lot size, lot width, setback and other requirements. The plan to be recorded at the Oxford County Registry of Deeds and filed with the Town of Denmark~~municipality~~ shall include the following restrictions as well as any other notes or conditions of approval:

5.9.2.5.1.

A. "The land within the Manufactured Home Park~~park~~ shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.", or:

B. "The land within the Mobile Home Park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred."

and

C. "No Dwelling Unit other than a ~~m~~Manufactured Home~~housing unit~~ shall be located within the Manufactured Home Park~~park~~.", or:

D. "No Dwelling Unit other than a Mobile Home shall be located within the Mobile Home Park."

5.9.3. Manufactured Home Design Requirements.

5.9.3.1. Manufactured Homes constructed after June 15, 1976 must be certified by the manufacturer that they are constructed in compliance with the United States Department of Housing and Urban Development standards and the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70.

5.9.3.2. Any Manufactured Home constructed prior to June 15, 1976 shall meet the access, egress and ventilation standards of the National Fire Prevention Association, Life Safety Code 101, latest edition.

5.9.3.3. For Manufactured Homes constructed prior to June 15, 1976, the Town of Denmark may apply additional, reasonable design and safety standards.

5.9.3.4. The design requirements above do not apply to Manufactured Homes to be relocated within the Town of Denmark that are legally sited as of June 7, 2025.

5.9.3.5. Manufactured Homes must be built on a permanent foundation, have a pitched, shingled roof, have exterior siding that is residential in appearance, and be connected to plumbing and electric (at least).

5.9.3.6. The permanent foundation shall conform to the requirements of the town of Denmark Code Enforcement Officer or, if no such requirements, shall conform to the latest edition of the National BOCA Code.

5.9.4. Mobile Homes.

5.9.4.1. Mobile Homes constructed after June 15, 1976 must be certified by the

manufacturer that they are constructed in compliance with the United States Department of Housing and Urban Development standards and the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70.

5.9.4.2. Any Mobile Home manufactured prior to June 15, 1976 shall meet the access, egress and ventilation standards of the National Fire Prevention Association, Life Safety Code 101, 2018 edition.

5.9.4.3. For Mobile Homes constructed prior to June 15, 1976, the Town of Denmark may apply additional, reasonable design and safety standards.

5.9.4.4. The design requirements above do not apply to Mobile Homes to be relocated within the Town of Denmark that are legally sited as of June 7, 2025.

5.9.4.5. Mobile Homes not in a Mobile Home Park shall meet all the requirements of this Ordinance for Single Family Dwellings except permanent foundations.

5.9.4.6. No Dwelling Unit other than a Mobile Home shall be located within a Mobile Home Park.

5.9.5. Certification Of Payment Of Sales Tax.

5.9.5.1. The construction or location of any new Manufactured Home or Mobile Home within the Town of Denmark will not be permitted by any person or entity other than a dealer licensed by the State with a sales tax certificate, without:

5.9.5.1.1. A bill of sale indicating the name, address, dealer registration number and sales tax certificate number of the person who sold or provided the Manufactured Home or Mobile Home to the buyer locating the Manufactured Home or Mobile Home in the Town of Denmark; or

5.9.5.1.2. If no such bill of sale is presented, evidence of certification of payment of the sales tax in accordance with Title 36, section 1760, subsection 40, and Title 36, section 1952-B shall be presented.

5.9.4.1.3. For Manufactured Home and Manufactured Home Park permit(s) issued, or to be issued by the Town of Denmark, the permit(s) are deemed to be not approved or valid until payment of the sales tax has been certified.

Dwelling: A fixed structure, containing one or more dwelling units.

Dwelling; Multi-Family: A single Dwelling, containing three or more Dwelling Units.

Dwelling; Single-Family (or Single-Family Dwelling): A single Dwelling containing one Dwelling Unit.

Dwelling; Two Family (or Two Family Dwelling): A single Dwelling, containing two Dwelling Units.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one or two persons or ~~a~~one family, including provisions for living, sleeping, cooking, ~~and~~ eating, ~~and~~ toilet facilities. The term shall include Manufactured Homes, Mobile Homes, mobile homes but shall not include ~~Tr~~Trailers or ~~R~~Recreational ~~V~~ehicles, motel units, hotel units, boarding houses, or other Dwelling Units intended primarily for transient occupancy.

Manufactured Home: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing

facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. See additional characterizations herein and in Maine Revised Statutes.

Manufactured Home Mobile-Home Park: A parcel of land under unified ownership designed, intended, and/or used to accommodate three or more ~~m~~Manufactured Homeshousing units.

Mobile Home: ~~See Manufactured-Home~~ A structure, transportable in one or more sections, which:

- A. Is 8 body feet or more in width and 32 body feet or more in length;
- B. Is built on a permanent chassis;
- C. Is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, but with a foundation conforming to the appropriate standards of the Manufactured Housing Board.
- D. Includes the plumbing, heating, air-conditioning and electrical systems contained in the structure.

Mobile Home Park: ~~A parcel of land under unified ownership designed and/or used to accommodate three or more manufactured housing units.~~ Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate 2 or more Mobile Homes.

Modular Housing Unit: ~~Housing units that the manufacturer certifies are constructed in compliance with Maine Title 10, Chapter 951 and rules adopted under that chapter, meaning structures, transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.~~

Subdivision: The division of a tract or parcel of land into three or more lots, whether accomplished by sale, lease, development, building or otherwise, in any five-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more ~~d~~Dwelling ~~u~~Units within a ~~5~~five-year period, the construction or placement of ~~3~~three or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into ~~3~~three or more dwelling units within a ~~5~~five-year period. For the purpose of this Ordinance the term subdivision shall include such developments as ~~shopping centers,~~ condominiums, Manufactured Home Parks, ~~m~~Mobile ~~h~~Home ~~p~~Parks and campgrounds where there are three or more units each involved.

- A. "Manufactured housing" means a structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, 2 types of manufactured housing are included. Those 2 types are: