

## Sec. 13-700

## General Requirements for Land Uses.

The following General Requirements are applicable to land use activities within the City, to include site design review and subdivisions. These standards are intended to clarify review criteria and provide guidance. In reviewing a proposed development, the CEO or Planning Board, whomever conducts the review, shall review the application for conformance to the applicable standards and make findings of fact for each prior to approval of the Final Plan. The burden of proof of conformance is with the applicant, who shall provide clear and convincing evidence that the proposed Final Plan meets the standards and the review criteria.

### 1. Apartments Accessory to Commercial Uses.

The Planning Board may allow residential dwelling units in a commercial structure provided the following are met:

- A. The residential dwelling units shall be clearly incidental to the principal commercial use of the structure.
- B. Each dwelling unit shall be provided with a private space 500 square feet minimum per dwelling unit adjacent to each unit.**
- C. Each dwelling unit shall be provided one (1) off-street parking space separate from customer parking.
- D. Subsurface sewage disposal, where applicable, shall be provided that complies with the State of Maine Subsurface Sewage Disposal Rules.
- E. Each dwelling unit shall have access to and use of private storage space within the individual dwelling unit or in common storage facilities.**
- F. No access to a residential dwelling unit shall be through the commercial space.
- G. All provisions of the City Building Code, Property Maintenance Code and the Life Safety Code shall be met.

### 2. Archaeological Sites.

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the CEO or Planning Board shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least 20 days prior to action being taken by the CEO or Planning Board. The CEO or Planning Board shall consider comments received from the Commission prior to rendering a decision on the application.

### 3. Basement Drainage.

The applicant shall show that the floor of any basement(s) can be drained to the ground surface, or storm sewers, if they are required to be installed, or that the spring water table is one (1) foot below the level of the basement floor.

### 4. Bed and Breakfast.

- A. There shall be no less than one parking space on the property for each rental room in addition to the spaces required for the dwelling unit.
- B. There shall be one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.
- C. Each rental room shall have not less than ten by twelve (10 X 12) feet horizontal dimensions.

### 5. Buffers and Screening.

- A. A landscaped buffer strip of no less than fifteen (15) feet in width and six (6) feet in height shall be provided to minimize the visual impact of adverse characteristics such as, but not limited to, storage areas, parking spaces, driveways, loading areas, exposed machinery, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metals or any other articles of salvage or refuse, and to protect abutting residential properties from the intrusion of noise, light, and exhaust fumes from such non-residential buildings and uses. The buffer areas shall be maintained and vegetation replaced to ensure continuous year round screening.
- B. Where no natural vegetation or berms can be maintained, or due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges, or combinations thereof.
- C. Any abutting residential property shall be effectively screened by a continuous landscaped area no less than six (6) feet in height along lot lines adjacent to the residential properties, except that driveways shall be kept open to provide visibility for entering and leaving.

- D. Where a potential safety hazard to small children would exist, physical screening / barriers shall be used to deter entry to such premises.
- E. There shall be no paving, parking, or structures located in the buffer area.
- F. The CEO or Planning Board may allow a buffer area of less width when site conditions, such as natural features, vegetation, topography, or site improvements, such as additional landscaping, berming, fencing, or low walls, make a lesser area adequate to achieve the purposes of this Ordinance.

**6. Campground and/or Recreational Vehicle Park.**

A campground and/or recreational vehicle (RV) park shall conform to the minimum requirements imposed under State licensing procedures of (10-144A CMR 205) "Tent and Recreational Vehicle Parks..." and the following (in case of possible conflict, the stricter rule shall apply). For the purposes of this Section "RV" shall include: travel RV, pick-up coach, motor home, camping trailer, dependent RV, and self-contained RV.

**A. General.**

- 1. A campground and/or RV park shall have no less than ten (10) acres of land and all campground and/or RV park sites (sites) or structures shall be located at least 100 feet from any property line and 200 feet from any residence, exclusive of the residence belonging to the owner.
- 2. Sites shall be laid out and screened in such a manner that none are within view from public roads, navigable rivers, or existing residence. Any combination of evergreen planting, landscaped earthen berms, or solid fencing may be used to achieve this screening standards, when sites would otherwise be visible from the locations described above.
- 3. No trailers or mobile homes, other than RVs, shall be permitted within any campground and/or RV park, temporarily or otherwise. No RVs shall be stored or exhibited for sale within the campground and/or RV park. Permanent or long-term dwellings or shelter devices are specifically prohibited.
- 4. Tent sites and RV sites shall be laid out so that the density of each developed acre of land shall not exceed the standards below (in terms of sites per acre of land, excluding circulation roads). Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

	Non-Shoreland	Shoreland Areas
Tent Sites	14 per acre	8 per acre
RV and Travel Trailer Sites	11 per acre	7 per acre

- 5. The minimum frontage of a tent site or RV site along any shoreline of a waterbody shall be 100 feet. The minimum setback from the normal high-water line shall be 100 feet for all tent sites or RV sites, other vehicles, and temporary or permanent structures.
- 6. No tent site or RV site shall be located within a Resource Protections District or within the 100 year floodplain.

**B. Parking and Circulation.**

- 1. A minimum of three hundred (300) square feet of off-street parking plus maneuvering space shall be provided for each tent site or RV site. RVs shall be parked in spaces so that:
  - a. There shall be a minimum of 50 feet between vehicles; and
  - b. There shall be a minimum of 75 feet between all RVs and tents, and all public rights-of-way located inside the boundaries of the campground.
- 2. Vehicular access shall be provided onto a hard-surfaced adequate for the volume and type of traffic likely to be generated. Grades and sight distances specified in the Road Design and Construction Standards, within these Ordinances, shall be observed in designing all intersections. Roads shall be constructed of at least 12" of bank-run gravel (no stone larger than 4"), 2" of crushed gravel (1/2" chips) and two (2) applications of liquid asphalt (1/2 gallon per sq. yd. each application). The minimum width of roadways shall be twelve (12) feet for one-way roads and twenty-two (22) feet for two-way roads. No vehicle parking shall be permitted on the roadway.

C. Health and Safety.

1. Each tent site or RV site shall be provided with a picnic table and trash receptacle. The park management shall dispose of refuse from said containers by transporting the refuse in a closed truck or in enclosed containers or bags to an approved disposal area at least once every three (3) days.
2. A campground and/or RV park shall provide water and sewerage disposal systems, sanitary facilities, and convenience facilities in accordance with the regulations of 10-144A CMR 205 and the "*State of Maine Subsurface Wastewater Disposal Rules*". All RV sites shall be equipped with water and sewage hook-ups, and connected to approved distribution or disposal systems.
3. Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that the campground or RV park may be readily serviced in emergency situations. 24-hour emergency communication service (e.g. telephones) shall be provided.

D. Planning and Review.

1. Roads, parking, sites, and required facilities shall be planned in accordance with the basic principles outlined below, and shall be shown on the proposed plan which is submitted for review and approval.
  - a. A logical sequence of entry and circulation should be created: entrance, administration, storage, parking, sites, toilets, laundry, playing fields, or shoreline.
  - b. Sites should be clustered in groups according to intensity of use (low density, medium density, etc.) and also related to common support service areas (laundries, play areas, etc.) serving a number of site clusters. The purpose is to minimize road length, increase accessibility, and preserve open space.
  - c. Footpaths and roads should follow "desired lines" of pedestrian and vehicular movement between sites and all jointly used facilities. Parking areas may be grassed, reinforced with open concrete blocks.
  - d. Access roads shall be laid out as loops to the greatest extent practicable, although "cul-de-sacs" or "dead-ends" may be allowed to serve up to twenty (20) campsites.
2. A soil erosion and sedimentation control plan approved by the County Soil and Water Conservation District shall be submitted. In addition to data on soils, slopes, and drainage, a vegetation map showing the following items may be required:
  - a. The major types of vegetation should be identified and described (as to age, height, openness or density, and pattern, either natural or reforested).
  - b. New planting should be selected to provide screening and shelter, to tolerate existing and proposed site conditions, and to blend compatibly with existing natural vegetation.
  - c. All vegetative clearing should avoid creating straight line edges between open land and surviving stands.
  - d. Areas of activity and/or traffic should be sited to avoid wildlife areas (such as thickets for birds and small mammals, or deer yards and trails).

**7. Disposal of Solid Waste.**

If the additional solid waste from the proposed development exceeds the capacity of the City's solid waste facility, causes the City's facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the City to exceed its contract with a non-city's facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility which is in compliance with its license. The CEO or Planning Board may not require the alternate arrangement to exceed a period of five years.

**8. Easements for Natural Drainage Ways.**

Where a development is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will assure that no flooding occurs and all stormwater can be disposed of properly.

**9. Electro-Magnetic Interference.**

No use, activity, or process shall be conducted which produces electro-magnetic interference in the transmission or reception of electrical impulses beyond the lot lines, including radio and television. In all cases federal, state, and local requirements shall be met. Violation of this standard shall be considered a nuisance.

#### **10. Erosion and Sedimentation Control.**

- A. The procedures outlined in a erosion and sedimentation control plan shall follow Best Management Policies (BMPs) and shall be implemented during the site preparation, construction, and clean-up stages.
- B. All earth changes shall be designed, constructed, and completed in such a manner so that the exposed area of any disturbed land shall be limited to the shortest period of time possible.
- C. The proposed development shall prevent sediment caused by accelerated soil erosion from entering water bodies, freshwater wetlands, and adjacent properties.
- D. Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the development shall be designed to limit the water flow to a non-erosive velocity.
- E. Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within fifteen (15) calendar days after final grading has been completed. When it is not possible or practical to permanently stabilize disturbed land, temporary erosion control measures shall be implemented within thirty (30) calendar days of the exposure of soil.
- F. Topsoil shall be considered part of the development and shall not be removed from the site, except for surplus topsoil from roads, parking areas, and building excavations.
- H. When vegetative cover shall be established as a temporary or permanent erosion control measure:
  - 1. Plant species to be used and the seeding rates shall take into account soil, slope, climate, duration, and use of the vegetative cover.
  - 2. Mulch shall be provided at rates appropriate to ensure a minimum of soil and seed loss until an acceptable "catch" of seed is obtained.
  - 3. Reseeding shall be done within a reasonable period of time if there is not an acceptable "catch".
- H. All development plans shall incorporate building designs and road layouts that fit and utilize existing topography and desirable natural surroundings to the fullest extent possible.

#### **11. Exterior Lighting.**

Lighting may be used which serves security, safety, and operational needs, but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings.

- A. The style of the light and light standard shall be consistent with the architectural style of the principal building.
- B. The maximum height of free standing lights shall be the same as the principal building, but not to exceed forty (40) feet.
- C. The CEO or the Planning Board, whomever is conducting the review, shall determine the necessity for lighting of parking areas.
- D. Exterior lighting shall be shielded in such a manner as not to create a hazard or nuisance to the adjoining properties or to the traveling public.
- E. Direct or indirect illumination shall not exceed 0.6 foot-candles upon abutting residential properties.
- F. Required Light Levels:
  - 1. Parking areas or lots: An average of one and one-half (1.5) foot-candles throughout.
  - 2. Intersections of parking areas or lots: Three (3) foot-candles.
  - 3. Maximum at property lines: One (1.0) footcandle.
  - 4. In residential areas: Average of six-tenths (0.6) footcandle.

#### **12. Fire Protection.**

- A. Fire hydrants connected to the public water supply system shall be located no further than 500 feet from any building.
- B. Hydrants or other provisions for drafting water shall be provided to the specifications of the Fire Department. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be six (6) inches.
- C. Where a dry hydrant or other water source is not within the right-of-way of a proposed or existing street, an easement to the City shall be provided to allow access. A suitable accessway to the hydrant or other water source shall be constructed.
- D. A proposed subdivision of 5-10 lots not served by a public water supply shall provide for a minimum storage capacity of 10,000 gallons. Additional storage capacity of 2,000 gallons per lot over 10 lots shall be provided. The Planning Board may require additional storage capacity upon a recommendation from the Fire Chief. Where ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three (3) feet of ice.

### 13. Home Occupations.

Home occupations are separated into two (2) types: Home Occupations 1 and Home Occupations 2. Home Occupation 1 are non-intrusive, have no external indications that a home occupation is being conducted on the property, and have no additional impacts on the neighborhood. Home Occupation 2 are intrusive, have external indications that a home occupation is being conducted on the property, and have additional impacts on the neighborhood.

#### Home Occupation 1

- A. The use of a dwelling unit or property for a home occupation shall be clearly incidental to and compatible with the residential use of the property and surrounding residential uses.
- B. There shall be no change in the outside appearance of the building or premise that shall cause the premise to differ from its residential character by use of colors, materials, construction, lighting, sounds, or noises.
- C. Exterior storage of materials, such as, but not limited to, trash and any other exterior evidence of home occupation shall be located and screened so as not to detract from the residential character of the principal building.
- D. There shall be no exterior signs or displays representative of products sold or manufactured on premises.
- E. The following requirements shall be satisfactorily demonstrated to the CEO before a permit is issued:
  - 1. The home occupation shall employ only resident(s) of the dwelling unit.
  - 2. The home occupation shall be carried on wholly within the principal or accessory structure.
  - 3. The home occupation shall not occupy more than 35 percent of the total floor area of the structure (excluding basement floor area).
  - 4. Objectionable noise, vibrations, smoke, dust, electrical disturbance, odors, heat, glare, or other nuisance shall not be permitted.
  - 5. No additional parking shall be provided other than parking provided to meet the normal requirements of the dwelling unit.
  - 6. No additional traffic shall be generated by the home occupation.
  - 7. The sale of products which are crafted, assembled, or substantially altered on the premises is prohibited.
  - 8. The home occupation shall not use utilities beyond that normal for residential properties.
  - 9. The home occupation shall not involve the use of heavy commercial vehicles for daily delivery from or to the premises.
- F. Should all of the above conditions not be maintained on a continual basis once the permit has been issued, the Planning Board shall review the permit and its conditions for approval, and if necessary schedule a public hearing to determine whether the permit should be rescinded.
- G. All other applicable standards of these Ordinances shall also be observed.

#### Home Occupation 2

- A. The use of a dwelling unit or property for a home occupation shall be clearly incidental to and compatible with the residential use of the property and surrounding residential uses.
- B. There shall be no change in the outside appearance of the building or premise that shall cause the premise to differ from its residential character by use of colors, materials, construction, lighting, sounds, or noises.

- C. Exterior storage of materials, such as, but not limited to, trash and any other exterior evidence of home occupation shall be located and screened so as not to detract from the residential character of the principal building.
- D. Exterior display shall be limited to no more than two (2) single items representative of products sold or manufactured on premises, regardless of the number of articles which are sold or manufactured.
- E. The following requirements shall be satisfactorily demonstrated to the CEO before a permit is issued:
  - 1. The home occupation shall employ no more than three (3) persons other than family members.
  - 2. The home occupation shall be carried on wholly within the principal or accessory structure.
  - 3. The home occupation shall not occupy more than 35 percent of the total floor area of the structure (excluding basement floor area).
  - 4. Objectionable noise, vibrations, smoke, dust, electrical disturbance, odors, heat, glare, or other nuisance shall not be permitted.
  - 5. In addition to the off-street parking provided to meet the normal requirements of the dwelling, off-street parking shall be provided for each employee and user of the home occupation as provided for within these Ordinances.
  - 6. No traffic shall be generated by such home occupation in a volume greater than would normally be expected.
    - 1. The sale of products shall be limited to normal business hours and to those items which are crafted, assembled, or substantially altered on the premises, to catalog items ordered off the premises by customers, and to items which are accessory and incidental to a service which is provided on the premises.
    - 2. Signs shall be permitted and must meet the performance standards in Sec. 13-700 (29).
  - 9. The home occupation shall not use utilities beyond that normal for residential properties.
  - 10. The home occupation shall not involve the use of heavy commercial vehicles for daily delivery from or to the premises.
- F. Should all of the above conditions not be maintained on a continual basis once the permit has been issued, the Planning Board shall review the permit and its conditions for approval, and if necessary schedule a public hearing to determine whether the permit should be rescinded.
- G. All other applicable standards of this Ordinance shall also be observed.

#### 14. Hotels, Motels, and Inns.

For the purposes of these Ordinances, the terms hotel, motel, and inn are used interchangeably.

- A. A green space, not less than twenty (20) feet wide, shall be maintained open and green with grass, bushes, flowers, or trees all along each side lot line, the rear lot line, the front line of such lot, except for entrance and exit driveways. The green space shall not be used for automobile parking.
- B. If cooking or eating facilities are provided in any units, each unit shall be considered a dwelling unit and the development shall meet all applicable standards for multi-family development in these Ordinances, including the residential density requirements of the appropriate District. If three (3) or more multi-family units are to be constructed within a five (5) year period the development shall be considered a subdivision and shall also be reviewed through the Subdivision Ordinance.
- C. Each unit shall contain not less than two-hundred (200) square feet of habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each sleeping room shall not be less than twelve by fifteen (12x15) feet horizontal dimensions, exclusive of bath. Each unit shall include private bathroom facilities.
- D. On each lot, one apartment may be provided for a resident owner, manager, or other responsible staff person.
- E. Building construction plans shall be reviewed and approved by the Fire Chief.
- F. Recreational vehicle parking stalls shall be designed to accommodate the traveling public with a minimum stall width of eleven (11) feet and stall depth of thirty-two (32) feet. Angled parking stall width and depths shall be increased by 10 percent and 25 percent above the parking standards contained in this Ordinance.
- G. All hotel, motel, and inn development shall be connected to the public sewer and water systems where provided. Where public sewer and water systems are not available, an adequate on-site septic system, in accordance with the "*State of Maine Subsurface Wastewater Disposal Rules*", shall be provided to serve the maximum number of guests or customers who can be accommodated. Plans or written specifications, or both, for such systems shall be submitted to the Planning Board before final approval is granted by the Board. Where any doubt exists as to the adequacy of such proposed systems, the Board shall obtain the advice of a sanitary engineer or other qualified person and any cost of such service shall be paid by the applicant.
- H. No building shall be closer than fifty (50) feet from a property line.
- I. All other relevant standards of these Ordinances shall be observed.

**15. Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas, or Public Access to the Shoreline.**

**A. Preservation of Natural Beauty and Aesthetics.**

1. The Plan shall, by notes on the Final Plan and deed restrictions, limit the clearing of trees to those areas designated on the Plan for preservation.
2. A development in which the land cover type at the time of application is forested shall maintain a wooded buffer strip no less than fifty (50) feet in width along all existing public roads. The buffer may be broken only for driveways and roads.
3. The development should be designed to minimize the visibility of buildings from existing public roads; yet, maximize the natural features of the site, whenever possible. When the development contains no forest or insufficient forested portions to include all buildings, the development should be designed to minimize the appearance of building when viewed from existing public roads.
4. The Planning Board may require that the application include a landscape plan that would show the preservation of any existing trees larger than 24" inches diameter breast height, the replacement of trees and vegetation, and graded contours.
5. When a proposed road traverses open fields, the plans should include the planting of street trees. Street trees shall include a mix of tall shade trees and medium height flowering species. Trees should be planted no more than fifty (50) feet apart.
6. When a proposed development contains a ridge line, the Plan shall restrict tree removal and prohibit building placement within fifty (50) feet vertical distance of the ridge top. These restrictions shall appear as notes on the final recording Plan and as covenants in the deed.

**B. Retention of Usable Open Spaces and Natural or Historic Features.**

1. The development should reserve between five and ten percent of the area of the development as open space in order to provide for the recreational needs of the occupants of the development and/or to maintain the scenic or natural beauty of the area. In determining the need for open space the Planning Board shall consider the recreation plan for open space or recreation facilities in the area surrounding the development and the policies of the plan for meeting those needs; the proximity of the development to neighboring dedicated open space or recreation facilities; the type of development; and the demographic characteristics of potential occupants in the development; and the density or lot sizes of the development.
2. If any portion of the development is located within an area designated as a critical natural area, or the Department of Economic and Community Development's Natural Areas Program, the Plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
3. If any portion of the development is designated a site of historic or prehistoric importance, by the comprehensive plan, or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the Plan.
4. The development should reserve sufficient undeveloped land to provide for the recreational needs of the occupants. The percentage of usable open space to be reserved would depend on: the identified needs for outdoor recreation in that portion of City according to the comprehensive plan; the proposed lot sizes within the development; the expected demographic makeup of the occupants of the development; and the site characteristics. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more roads of at least 200 feet, and have no major dimensions of less than 200 feet.
5. Land reserved for usable open space purposes shall be of a character, configuration, and location suitable for the particular use intended.
6. Sites selected primarily for scenic or passive recreation purposes should have such access as the Planning Board may deem suitable and no less than twenty-five (25) feet of road frontage. The configuration of such sites should be deemed adequate by the Planning Board with regard to scenic attributes and significant wildlife habitat to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.
7. Reserved usable open space land may be dedicated to the City.

C. Protection of Significant Wildlife and Important Habitat Areas.

1. If any portion of a proposed development lies within:
  - a. 250 feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife as:
    1. Habitat for species appearing on the official state or federal lists of endangered or threatened species;
    2. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
    3. Shorebird nesting, feeding, and staging areas;
    4. Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission, or
    5. 1,320 feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor, or
    6. Other important habitat areas identified in the local comprehensive plan, the applicant shall demonstrate that there shall be no adverse impacts on the habitat and the species it supports. A report prepared by a wildlife biologist, selected or approved by the Planning Board shall be submitted. This report shall assess the potential impact of the development on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the development shall have no adverse impacts on the habitat and the species it supports.
  2. Protection of Deer Wintering Areas. The applicant shall contact the Regional Biologist of the Maine Department of Inland Fisheries and Wildlife at the Planning Board's request to determine whether any portion of the proposed development lies within an identified deer wintering area. A letter should be prepared by the Wildlife Biologist stating whether there is or is not a deer wintering area on the plat. If there is an identified deer wintering area, the Plan shall include the limits of the area on the Plan and a management plan prepared by a wildlife biologist for any identified deer wintering areas. The management plan shall provide for approximately 50 percent of the area to be maintained in mature softwoods. The management plan will be reviewed by the IF&W Wildlife Biologist for acceptance and their comments will be forwarded to the Planning Board.
- D. Public Access to the Shoreline. Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the usable open space, with provisions made for continued public access.

16. **Impact on Water Quality or Shoreline.**

- A. GPA Lakes. No application for development in the direct drainage area of a GPA lake should be approved unless the development will have no significant impact on the water quality of the lake or any downstream lakes. The direct drainage area of a lake is that portion of a lake's watershed which drains to the lake through tributaries or overland runoff without passing through another lake. In determining the significance of impact on the lake the Planning Board shall consider:
  1. Past degradation of the lake's water quality;
  2. The cumulative impact of this development and any other developments or activities subsequent to the establishment of this policy; and
  3. The assimilative capacity of the lake.

It shall be the applicant's responsibility to provide the Planning Board with any information necessary to evaluate the magnitude of the impact of the proposed development on the lake.

B. Phosphorus Export.

1. Any development within the watershed of a Great Pond shall make provisions to limit the post development phosphorus export. The Planning Board shall keep an accurate record of permits issued within the watershed.

2. Simplified Phosphorus Review. The simplified review may be used for a:
- a. Proposed development of three or four lots with less than 200 feet of new or upgraded road with a cumulative driveway length not exceed 450 feet for a three lot subdivision or 600 feet for a four lot subdivision;
  - b. Proposed development of three or four lots with no new or upgraded road with a cumulative driveway length not to exceed 950 feet for three lot subdivisions or 1,100 feet for four lot subdivisions; or
  - c. Proposed developments consisting of multi-family dwellings that have less than 20,000 square feet of disturbed area including building parking, driveway, lawn, subsurface waste water disposal systems, and infiltration areas, and new or upgraded roads not exceeding 200 linear feet.

A proposed development which creates lots which could be further divided such that five or more lots may result shall be subject to the standard review procedures unless there are deed restrictions prohibiting future divisions of the lots.

3. Standard Review. This subsection shall apply to proposed developments which do not qualify for the simplified review. Phosphorous export from a proposed development shall be calculated according to the procedures in

*Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine DEP, latest edition. When a proposed development creates lots which are more than twice the required minimum lot size and there are no deed restrictions proposed to prohibit future divisions, the applicant shall either calculate phosphorus loading based on the maximum feasible number of lots, and shall design controls adequate to limit the resulting phosphorus loading, or shall reserve a portion of the permitted phosphorus export for future divisions.

4. Maintenance and Use Restrictions for Phosphorus Control Measures.

Provisions for monitoring, inspections, and maintenance of phosphorus control measures shall be included in the application.

- a. General Requirements for Buffer Strips.

1. Buffer strips shall provide sufficient area for travel lanes between areas of designated wildlife habitat.
2. The construction, alteration, maintenance, and other activities in buffer strips shall not adversely affect wildlife and fisheries lifecycles.
3. There shall be no unreasonable disturbance to:
  - a. Designated deer wintering areas.
  - b. Habitat of any species declared threatened or endangered by the Maine Department of Inland Fisheries and Wildlife or the U.S. Fish and Wildlife Service.
  - c. Nesting sites for bird colonies.
4. The buffer strip shall be maintained permanently and any plant material which does not live will be replaced within one year.
5. Screen planting, when used, shall be so placed that at maturity it shall be 8 feet in height and be no closer than three feet from any road or property line.
6. Fencing and screening will be so located within the owner's property line to allow access for maintenance on both sides without intruding upon abutting properties.

- b. Vegetative Buffer Areas. Individual lot owners shall be required to maintain buffer areas on their individual lots in accordance with the following standards, to be specified in recorded deed restrictions and as notes on the final recording Plan. Where a vegetative buffer area is to be owned in common by property owners in the development, documentation establishing the lot owners association shall include the following standards.

1. Wooded Buffers.

Maintenance provisions for wooded buffers shall provide for either of the following two options.

- a. No Disturbance.

Maintenance and use provisions for wooded buffer areas which are located on hydrologic soil group D soils and within 250 feet of the Great Pond or a tributary, or which are located on slopes over 20 percent shall include the following:

1. Buffers shall be inspected annually for evidence of erosion or concentrated flows through or around the buffer. All eroded areas must be seeded and mulched. A shallow stone trench must be installed as a level spreader to distribute flows evenly in any area showing concentrated flows.
2. All existing undergrowth (vegetation less than four feet high), forest floor duff layer, and leaf litter must remain undisturbed and intact, except that one winding walking path, no wider than six feet, is allowed through the buffer. This path shall not be a straight line to the Great Pond or tributary and shall remain stabilized.
3. Pruning of live tree branches that do not exceed twelve feet above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
4. No cutting is allowed of trees except for normal maintenance of dead, wind blown, or damaged trees.
5. Buffers shall not be used for all-terrain vehicle or vehicular line to the Great Pond or tributary and shall remain stabilized.
6. Pruning of live tree branches that do not exceed twelve feet above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
7. No cutting is allowed of trees except for normal maintenance of dead, wind blown, or damaged trees.
8. Buffers shall not be used for all-terrain vehicle or vehicular traffic.
9. Limited disturbance.

Maintenance and use provisions for other buffer areas may include the following:

1. There shall be no cleared openings and an evenly distributed stand of trees and other vegetation shall be maintained.
2. Activity within the buffer shall be conducted so as to minimize disturbance of existing forest floor, leaf litter and vegetation less than four feet in height. Where the existing ground cover is disturbed and results in exposed mineral soil, that area shall be immediately stabilized to avoid soil erosion.
3. Removal of vegetation less than four feet in height is limited to that necessary to create a winding foot path no wider than six feet. This path shall not be a straight line to the Great Pond or a tributary. The path must remain stabilized.
4. Pruning of live tree branches that do not exceed 12 feet in height above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
5. Where the removal of storm-damaged, diseased, unsafe, or dead trees results in a cleared opening being created, those openings shall be replanted with native trees at least three feet in height unless existing new tree growth is present.
6. Buffers shall not be used for all terrain vehicle or vehicular traffic.

2. Non-Wooded Buffers.

- a. Non-wooded buffers may be allowed to revert or to be planted to forest, in which case the standards above shall apply.
- b. A buffer must maintain a dense, complete and vigorous cover of "non-lawn" vegetation which shall be mowed no more than once a year. Vegetation may include grass, other herbaceous species, shrubs and trees.
- c. Activity within the buffer shall be conducted so as to prevent damage to vegetation and exposure of mineral soil. Burning of vegetation shall be prohibited.
- d. Buffers shall not be used for all-terrain vehicles or other vehicular traffic.

C. Infiltration Systems. Individual lot owners shall be responsible for maintenance of individual infiltration systems according to the standards specified in "*Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*", published by the Maine DEP, revised May, 1990. Requirements for maintenance shall be

included in deed restrictions and as notes upon the final recording Plan. As an alternative to maintenance by individual lot owners, the applicant may designate some other entity to be contracted to take the responsibility, and shall include the above referenced maintenance provisions in any contractual agreement. Where infiltration systems serve more than one lot, a lot owners association shall be established and the above referenced maintenance provisions shall be referenced in the documentation establishing the association.

- D. Wet Ponds. A lot owners association shall be established to maintain wet ponds, unless the City or some other public entity agrees to assume inspection and maintenance duties. Documentation establishing the association or establishing an agreement with a public entity shall include the maintenance standards specified in the manual "*Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*", published by the Maine DEP, revised May, 1990.
- C. Cutting or removal of vegetation along water bodies shall not increase water temperature, result in shoreline erosion, or sedimentation of water bodies.

#### **17. Kennels and Veterinary Hospitals.**

- A. Structures or pens for housing or containing the animals shall be located not less than one hundred (100) feet from any residential property line existing at the time of permit.
- B. All pens, runs, or kennels, and other facilities shall be designed, constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties.
- C. The owner or operator of a kennel shall maintain the premises in a clean, orderly, and sanitary condition at all times.
- D. Temporary storage containers for any kennel, or veterinary wastes containing or including animal excrement, shall be kept tightly covered at all times.
- E. If an incineration device is to be installed by the applicant, the applicant shall provide evidence that they have obtained approval from the Maine Department of Environmental Protection.
- F. No owner of animals or operator of a kennel shall allow any animals to create objectionable noise disturbance, odors, or other nuisances.
- G. All other relevant standards of this Ordinance shall also be observed.

#### **18. Lots and Density.**

- A. There shall be no more than one principal building and its accessory buildings erected on any one lot.
- B. Any lot containing a residential building shall abut on a public street for a distance of not less than 75 feet.
- C. Every lot that is to be offered for sale for development shall be such that any buyer, with or without knowledge of the lots physical characteristics, shall be able to have a principal structure, adequate access, adequate water supply and quality, and adequate sewage disposal on that lot.
- D. Lot dimensions and building setback dimensions shall meet the requirements of the Zoning District in which the development is located. Any lot intended for use as a year round residence shall be connected either to the City sewer system or to an approved subsurface wastewater disposal system. Any residential lot served by an approved subsurface wastewater disposal system shall be a minimum of one acre.
- E. Wherever possible, side lot lines shall be perpendicular to the road.
- F. Depth and width of lots shall be adequate to provide for the off-road service, loading, and parking facilities for vehicles required by the type of use and development.
- G. Corner lots shall be increased in size wherever necessary in order that any structure to be placed thereon shall conform to the minimum front setback line from each road. Any new corner lots should be encouraged to have access onto the road with the least amount of traffic volume or impact.
- H. The division of parcels into lots with more than twice the required minimum lot size required by the Zoning Ordinance should be laid out in such a manner as either to provide for future legal subdivision or to allow the opening of future roads. Deed restrictions and notes on the final recording Plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and require approval from the Planning Board, subject to all applicable federal, state, or local ordinances or regulations, and any conditions placed on the original approval.
- A. If a lot on one side of a stream, road, or other similar barrier fails to meet the minimum requirements for lot size, it should be combined with a lot on the other side of the stream, road, or other similar barrier to meet the minimum lot size requirement.

- B. In areas served by a postal carrier, lots shall be numbered in such a manner so as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the road and odd numbers on the opposite side. Where the proposed development contains the extension of an existing road approved by the Planning Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers. The lot numbering shall be reviewed by the Postmaster and City Tax Assessor and their comments considered by the Planning Board.
- K. Double frontage lots and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A vegetative buffer strip of at least ten (10) feet wide, across which there shall be no right of access, shall be provided along each lot abutting such a traffic artery or other disadvantaged use.
- L. All lots must abut a public way, unless an access road meeting the following criteria has been constructed within a deeded right-of-way having a minimum width of fifty (50) feet. The access road shall be constructed to a minimum width of twelve (12) feet if serving one dwelling unit, and eighteen (18) feet if serving two (2) dwelling units. The access road shall contain a minimum depth of eighteen (18) inches of bank-run gravel and have drainage ditches and culverts at all appropriate points. Such an access road shall serve no more than two (2) dwelling units. Any access road serving between three (3) and five (5) dwelling units shall meet the "Private" road design and construction standards, but need not be paved. Any access road serving more than five (5) dwelling units shall meet the "Private" road design and construction standards and it shall be paved. All lots shall have adequate right-of-way access for emergency vehicles to enter, turn around, and exit.
- M. Land susceptible to flooding and land not suitable for housing or road development and land which may be hazardous to life, health, or property shall not be accepted as part of a development for residential purposes, but may be used, with the approval of the CEO or Planning Board, for parks, playgrounds, or other open-space uses.
- N. No lots created shall have a lot depth to frontage ratio of greater than 5 to 1.

**19. Monumentation.**

- A. No person, firm, corporation, or other legal entity shall sell or convey any land unless, prior to the conveyance of said land, monuments have been set within each lot sold or conveyed in conformance with this subsection (See: Title 30-A, MRSA, §4406 (2)).
- B. If artificial monuments have not been set at the time of the Final Plan submission, that fact shall be indicated by notation on the Final Plan. Said notation shall also indicate that monuments will be set prior to the sale or conveyance of any lot.
- C. All monuments required by this subsection shall be set along any street, road, way, or parcel to be dedicated to the municipality prior to the acceptance of any street, road, way, or parcel by the municipality.
- D. Monument, monument location, and artificial monument settings shall conform with the requirements of the Maine Board of Licensure for Professional Land Surveyors, latest edition.
- E. Artificial monuments shall be located in a manner and be of sufficient size, composition, and material that:
  - 1. The likelihood of their disturbance is minimal;
  - 2. The monument is capable of being detected with electromagnetic metal detectors;
  - 3. Their life expectancy, under normal circumstances, shall exceed 25 years; and
  - 4. The person who placed the monument can be identified with certainty by inspection of the monument.
- F. Monuments shall be set at all corners and angle points of the property boundaries where the interior angle of the boundaries is 135° or less.

**20. Noise.**

- A. The maximum permissible sound pressure level of any continuous, regular, or frequent source of sound produced by any activity shall be limited by the time period and land use District listed in the following chart. Sound levels shall be measured at least 4 feet above ground at the property boundary.

**Sound Pressure Level Limits** (Measured in dB (a) scale)

	<u>7 AM - 10 PM</u>	<u>10 PM - 7 AM</u>
Residential Districts	55	45
Commercial Districts	60	50
Industrial Districts	65	50

- B. The levels specified may be exceeded by 10 dBA for a single 15 minute period per day. 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 10 PM and 7 AM which exceed those limits established for residential Districts. Otherwise the following activities shall be exempt from these regulations:
  - 1. Sounds emanating from construction and maintenance activities conducted between 7 AM - 10 PM.
  - 2. Sounds emanating from safety signals, warning devices, emergency pressure relief valves, and other emergency activities.
  - 3. Sounds emanating from traffic on public transportation facilities.

## **21. Preservation of Natural Features.**

The CEO or Planning Board may require that a proposed development preserve such natural features as trees, streams, water courses, and scenic views. The road and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as much as practical.

## **22. Professional Offices in Residential Districts.**

Professional offices may be permitted in those residential Districts indicated on the Land Use Permit Table and in accordance with the provisions below:

- A. New professional offices shall be located only within existing buildings, in order to retain the essential character of the neighborhood, except as allowed in "E", below.
- B. Parking for professional offices shall be located to the side or rear of the building, and shall be screened from view from all streets and abutting residential properties.
- C. All outdoor lighting shall be directed in such a manner as to avoid "overspill" onto abutting residential properties or glare into the street.
- D. Exterior alterations shall be minimized and shall be similar to the original architectural style of the building.
- E. In special situations where a building is extremely dilapidated and structurally unsound and where reuse is therefore not practicable or economically feasible, or where a building is not judged to be a significant component of the neighborhood's overall architectural and historic character, the Planning Board may approve plans to replace an existing residential building with a proposed new professional office building whose scale and design would be appropriate to the site and to the neighborhood.

## **23. Rear Lots.**

Rear lots may be developed for any permitted use if they are or can be provided with a right-of-way, which complies with the following provisions:

- A. The right-of-way must be conveyed by deed recorded in the Aroostook County Registry of Deeds, Northern Office to the owner of the rear lot and be a minimum of 50 feet in width.
- B. A legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction on the rear lot.
- C. Except for lots recorded on the effective date of these Ordinances, the right-of-way deed must be recorded in the Aroostook County Registry of Deeds, Northern Office at the time the rear lot is first deeded out as a separate parcel.
- D. Creation of the right-of-way to serve the rear lot shall not create a non-conforming front lot by reducing such lot's required road frontage below the minimum, or, if the front lot is already non-conforming with respect to road frontage, reduce its road frontage at all.
- E. The right-of-way may serve only one single-family dwelling, unless the following provisions are met:
  - 1. If serving two (2) dwelling units the access shall be constructed to a minimum width of eighteen (18) feet. The access shall contain a minimum depth of eighteen (18) inches of bank-run gravel and have drainage ditches and culverts at all appropriate points.
  - 2. Any access serving between three (3) and five (5) dwelling units shall meet the "Private" road design and construction standards, but need not be paved.

3. Any access serving more than five (5) dwelling units shall meet the "Private" road design and construction standards and it shall be paved. All lots shall have adequate right-of-way access for emergency vehicles to enter, turn around, and exit.
- F. If the right-of-way is brought up to standards as set forth in the City's road design and construction standards, further dwellings may be constructed on a rear lot with Planning Board approval, provided all other space and bulk requirements are met for each dwelling. For purposes of such approval, the sale or lease of additional lots or the construction of an additional dwelling or dwellings served by the right-of-way shall be considered in the same manner and under the same restrictions and requirements as if such division or construction were a subdivision.
- G. Each single-family dwelling on a back lot shall be located within an area large enough to hold a circle with a minimum diameter equal to the required road frontage as required for a single-family dwelling in the District.
- H. A lot of record which could otherwise be legally built upon, but which is served by a right-of-way which does not comply, herein, may nevertheless be used for a single-family dwelling with Planning Board approval.

**24. Reservation or Dedication and Maintenance of Usable Open Space and Common Land, Facilities, and Services.**

- A. All usable open space common land, facilities, and property shall be owned by:
  1. The owners of the lots or dwelling units by means of a lot-owners association;
  2. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
  3. The City.
- B. Further subdivision of the common land or usable open space and its use for other than non-commercial recreation agriculture or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When usable open space is to be owned by an entity other than the City, there shall be a conservation easement deeded to the City prohibiting future development.
- C. The common land or usable open space shall be shown on the Final Plan with appropriate notations on the Plan to indicate that:
  1. It shall not be used for future building lots; and
  2. Which portions of the usable open space, if any, may be dedicated for acceptance by the City.
- D. The Final Plan application shall include the following:
  1. Covenants for mandatory membership in the lot owners association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.
  2. Draft articles of incorporation of the proposed owners association as a non-profit corporation; and
  3. Draft by-laws of the proposed lot owners association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.
- E. In combination, the documents referenced in paragraph D above shall provide for the following:
  1. The homeowners association shall have the responsibility of maintaining the common property or facilities.
  2. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.
  3. The association shall have the power to place a lien on the property of members who fail pay dues or assessments.
  4. The developer or applicant shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Planning Board upon request of the lot owners association, applicant, or developer.

**25. Residences Excluded from Industrial Districts.**

Residential uses are specifically excluded from Industrial Districts except for watchman, caretaker, or janitor, or other such use clearly incidental to a lawful industrial use.

**26. Satellite Receiving Dish.**

No satellite receiving dish, greater than 40" in diameter, shall be located within 100 feet of the right-of-way of a public road.

**27. Sewage Disposal.**

A. Public Sewage Disposal

1. Any development within 1000 feet of a public sewage disposal system, at its nearest point, shall make provisions for connection to the public system. When public sewage disposal service shall not be available at the time of construction, a "capped system" may be installed within the development, at the discretion of the Planning Board and after consultation with the Caribou Utilities District (CUD), to allow future connection when service becomes available without excavation within the right-of-way of any road within the development.
2. When a development is proposed to be served by the public sewage system, the complete collection system within the development, including manholes and pump stations, shall be installed at the expense of the applicant.
3. The CUD shall certify that providing public sewage service to the proposed development is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the development.
4. The CUD shall review and approve the construction drawings for the public sewage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the District.
5. The public sewage disposal system(s) and related equipment for the development shall be designed by a Maine Registered Professional Engineer in full compliance with the requirements of the State of Maine, *Subsurface Wastewater Disposal Rules* and shall be approved by the CEO or Planning Board and the Health Office.

B. Private Sewage Disposal.

1. When a proposed development is not within 1000 feet of a public sewage disposal system, at its nearest point, connection to the public system shall not be permitted. Sewage disposal shall be by a private subsurface wastewater disposal system. The developer may install and connect to the public sewage disposal system totally at their own expense and in conformance with the standards and specifications of the CUD.
2. The applicant shall submit evidence of site suitability for subsurface wastewater disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine, *Subsurface Wastewater Disposal Rules*.
  - a. The Site Evaluator shall certify, in writing, that all test pits which meet the requirements for a new system represent an area large enough to install a disposal area on soils which meet the, *Subsurface Wastewater Disposal Rules*.
  - b. On lots in which the limiting factor has been identified as being within 12-15 inches of the surface, exclusive of shoreland areas, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the Plan and restricted so as not to be built upon.
  - c. In no instance shall a disposal area be on a site which requires a New System Variance from the *Subsurface Wastewater Disposal Rules*.

## 28. Sidewalks.

Sidewalks should be installed on one side of the street in all new residential developments within the Urban Compact Area. Where sidewalks exist adjacent to a proposed development outside of the Compact Area, sidewalks shall be installed connecting to existing sidewalks. Where installed, sidewalks shall meet the following minimum requirements.

- A. Where utilities or other appurtenances are present within five (5) feet of the curb, the typical width of the sidewalk should be seven (7) feet. Where no utilities are present, a sidewalk width of five (5) feet is acceptable. Sidewalks shall be located a minimum of five (5) feet from the curb facing or edge of shoulder if the street is not curbed. Preferably, utility poles, fire hydrants, and traffic signs should be placed behind the sidewalk.

### B. Bituminous Sidewalks.

1. The "subbase" aggregate course shall be no less than twelve (12) inches thick after compaction.
2. The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in one (1) lift no less than two (2) inches thick after compaction.

### C. Portland Cement Concrete Sidewalks.

1. The "subbase" aggregate course shall be no less than twelve (12) inches thick after compaction.
2. The Portland Cement concrete shall be reinforced with six (6) inch square, W 2.0 wire mesh and shall be no less than four (4) inches thick.

### D. Brick, Pavement Stone, Cobblestone, or Flagstone.

Excavation shall be to the required depth and width and the layers shaped and compacted to a firm even surface. All soft and yielding material shall be removed and replaced with acceptable material. A brick, pavement stone, cobblestone, or flagstone sidewalk should be constructed in four (4) layers:

1. The first layer is a "subbase" aggregate course no less than twelve (12) inches thick after compaction.
2. The second layer is a hot bituminous pavement course of MDOT plant Mix Grade D constructed in one (1) lift no less than one (1) inch thick after compaction.
3. The third layer is a course of fine sand no less than one (1) inch thick after compaction.
4. The fourth layer is either the bricks, pavement stones, cobblestones, or flagstones.

### E. Curb-Cut Ramps.

Curbs and sidewalks should be designed with curb-cut ramps at all pedestrian crosswalks to provide adequate access for the safe and convenient movement of physically handicapped persons. The following criteria should be considered in the design of curb-cut ramps:

1. At each intersection with a pedestrian crosswalk, curb-cut ramps should be provided on all corners. At T-intersections, ramps should be located on the side opposite the minor intersecting road.
2. Curb-cut ramps should be located and protected to prevent their obstruction by parked vehicles.
3. At marked pedestrian crosswalks, curb-cut ramps should be contained entirely within the markings, excluding any flared sides.
4. The function of the curb-cut ramp should not be compromised by other roadway features, such as, but not limited to guardrails, catch basins, manholes.

## 29. Signs.

- A. Purposes: The purposes of this subsection are to:

1. Encourage the effective use of signs as a means of communication;
2. Maintain and enhance the aesthetic environment;
3. Create and maintain an attractive business climate;

4. Improve and maintain pedestrian and traffic safety;
5. Minimize the possible adverse effect of signs on nearby public and private property; and
6. Implement the intent of the Caribou Comprehensive Plan.

B. Sign Permit: Except as provided in subsection "D" below, no sign may be erected, enlarged, illuminated, or substantially altered without a Sign Permit issued by the Code Enforcement Officer after they find that the sign is in accordance with the provisions of this subsection. Each individual sign shall require a permit issued from the CEO.

B1. Sign Permit Fee: The permit fee shall be \$10.00 for each sign permit issued.

C. General Provisions.

1. Signs must be kept clean, legible, and free from all hazards such as, but not limited to, faulty wiring, loose fastenings, or deterioration, and must be maintained at all times in such condition so as not to be detrimental to the public health or safety, detract from the physical appearance and the natural beauty of the community, or constitute a distraction or obstruction that may impair traffic safety.
2. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials, and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
3. Area and height of signs shall be computed as follows:
  - a. Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
  - b. Computation of Area of Multi-Faced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all the sign faces visible from any one point. When two identical sign faces are placed back to back, so that both are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.
  - d. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be constructed to be the lower of (1.) existing grade prior to construction or (2.) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the same lot, whichever is lower.
4. All signs shall be located on the premises of the use, product, service, or activity to which such sign is related, except approved MDOT standard OBDS. In the C-1 District, OBDS shall be no larger than 12" x 48".
5. No sign shall overhang any right-of-way in the downtown mall.
6. Four (4) or less flags or insignia per lot shall be permitted. Flags of the United States, Maine, Aroostook County, or any other flag allowed by the City Council, provided that such flag shall not exceed sixty (60) square feet in area and shall not be flown from a pole the top of which is more than 40 feet in height. These flags shall be flown in accordance with protocol established by the Congress of the United State for the stars and stripes or the City Council
7. Nothing within this subsection shall prohibit the use of the following signs:
  - a. Traffic safety signs, directional signs, or emergency warning signs, erected by a government agency, or a public utility.
  - b. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
  - c. Any sign inside a building, not attached to a window or door that is not legible from a property line of the lot that the premise is located.

- d. Works of art that do not include a commercial message.
- e. Holiday lights and decorations with no commercial message, but only between November 15 and January 15.
- f. Informational signs of public utility providers regarding their poles, lines, pipes, or facilities.

D. Permitted Signs: The following types of signs are permitted, except where otherwise prohibited by law, and shall not require a Sign Permit issued by the Code Enforcement Officer.

- 1. All permanent on-premise signs erected prior to the effective date of this Ordinance, (ordinary maintenance and upkeep shall be allowed).
- 2. Any sign approved by the Planning Board, as an element of Site Design Review, prior to the effective date of this Ordinance or as proposed in a pending application.
- 3. One sign not exceeding two (2) square feet used to display the street number and/or name of the occupants of the premises.
- 4. One non-illuminated non-internally lit sign not exceeding two (2) square feet used to describe a home occupation.
- 5. One sign not exceeding thirty-two (32) square feet on the premises of public or semi-public buildings, and charitable or religious institutions. These signs may incorporate a bulletin board.
- 6. Temporary signs displayed for thirty (30) days or less to advertise school, non-profit, civic, church, and like events and garage sales and auctions.
- 7. One real estate sign not exceeding sixteen (16) square feet relating to the sale, rental, or lease of the premises. Such sign shall be removed within one (1) week after the property transaction.
- 8. One sign each for a building contractor, architect, or engineer. Each sign shall not exceed thirty-two (32) square feet, relating to construction projects. Such sign shall be removed within one (1) week after construction is completed.
- 9. One sign not exceeding thirty-two (32) square feet, identifying the name of a farm.
- 10. Sign(s) not exceeding thirty-two (32) square feet in total describing farm products for sale on the premise.
- 11. Political signs, not exceeding thirty-two (32) square feet in total area for single faced signs, or sixteen (16) square feet on each side of double-faced signs, provided that:
  - a. Such signs shall not be erected more than thirty (30) days prior to the election to which they pertain; and
  - b. Such signs are removed no later than seven days after the election to which they refer.
- 12. A subdivision may have one non-internally lit sign at each public entrance to the development, not to exceed thirty-two (32) square feet per sign.
- 13. Any sign(s) placed by the City, state, or federal government that complies with the Maine Department of Transportation standards for Official Business Direction Signs (OBDS).
- 14. Outdoor signs identifying restrooms, parking, entrances, exits, and similar information.
- 15. Four (4) or less flags or insignia per commercial lot or business. Flags or insignia in excess of four (4) per commercial lot or use shall comply with the provisions of this subsection
- 16. Memorial signs or tablets, names of buildings, and date of construction, or historic markers when cut into masonry, bronze, or other permanent material affixed to the structure or placed on the property.
- 17. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
- 18. Signs not exceeding eight (8) square feet per sign which identify entrances and exits to parking and service areas.
- 19. Street banners shall not be erected more than thirty (30) days prior to the activity to which they pertain. Street banners shall be no lower than fifteen (15) feet from the road surface and not be larger than fifty (50) square feet in area. Permits for hanging street banners across a road shall be issued only upon assumption of complete liability in writing by the person, firm, or corporation hanging the banner for any damage resulting from the placement of said banner. Such liability shall be acknowledged upon the application for the permit. The applicant shall remove banners the day after the event or date indicated on permit.

E. Prohibited Signs: The following signs are prohibited in all areas of the City.

- 1. Signs, other than barber poles, time, and weather devices, that have visible moving parts or blinking, moving or glaring illuminations.
- 2. No permanent sign except traffic and similar public safety signs, official business directional signs (OBDS) shall be located in the public right-of-way of any street or highway.
- 3. No sign shall protrude beyond the property line of the lot on which it is placed.
- 4. No sign shall be located so that it interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.

5. Signs painted on or attached to stationary-vehicles except for signs relating to the sale of the vehicle. For the purpose of this subsection, a stationary vehicle means any vehicle not registered and inspected as required by Maine law.
6. Inflatable signs or tethered balloons, except associated with special events or sales for a duration not to exceed seven (7) days in any calendar year.
7. Signs relating to any businesses which have been out of business for more than 365 days. The owner of the property or their agent shall be responsible for removing such signs.
8. Temporary movable signs are not permitted without first obtaining a permit issued by the Code Enforcement Officer. The permit fee for a temporary sign is \$10.00. No lot may have more than one (1) temporary sign at any one time. The following are allowed uses for temporary signs:
  - a. To call attention to and/or to advertise the name of a new business and the products sold or activities to be carried on in connection with a new business. In such cases, no sign shall remain at a premises for a period of more than ninety (90) consecutive days.
  - b. To advertise a special sale or sales. In such cases, a sign shall be allowed for a period not to exceed ninety (90) consecutive days.
  - c. To promote community or civic activities. In such cases, no sign shall remain in place for more than ninety (90) consecutive days.

F. Non-Conforming Signs: Non-Conforming signs that were otherwise lawful on the effective date of this Ordinance may continue except as provided below:

1. No non-conforming sign may be enlarged or altered in such a manner as to aggravate the non-conforming condition.
2. No illumination may be added to any non-conforming sign except if such illumination complies with the provisions of this subsection.
3. A non-conforming sign may not be moved except for maintenance, change in message or repair, or replaced except to bring the sign into conformity with this subsection.
4. The message of a non-conforming sign may be changed so long as it does not create any new non-conformities.

G. Illumination

1. No illuminated sign in any zone shall be of the blinking or flashing type and no sign shall revolve or move by mechanical means and no sign shall constitute a safety hazard to any public right-of-way be reason on unshielded or glaring lights or for any other reason.
  - a. Signs shall be illuminated only by the following means.
    1. A steady, stationary light(s) of single color shielded and directed solely at the sign and not casting light off the premises;
    2. Interior, non-exposed, white lights of reasonable intensity; or
    3. Neon tube illumination may be only used for window signs that do not exceed twenty-five (25) percent of the window area in which they are located.

H. Specific Standards.

1. C-1, C-2, RC-2, I-1, and I-2 Districts.

The following standards apply to signs in the C-1, C-2, RC-2, I-1, and I-2 Districts.

- a. In the case of a multi-tenant or unit commercial or industrial development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises, under the terms of this subsection.

b. Wall Sign.

1. On each premise, there shall be allowed one wall sign affixed to the exterior of the structure or for each occupancy under common ownership operation or control therein.
2. Such signs shall not occupy more than thirty (30) percent of the wall to which is attached, including windows and doors of the wall upon which such sign is affixed or attached.
3. If the proposed sign is to be attached to the principal building without the use of overhanging frames or brackets, the "wall sign" shall not extend or project more than twelve (12) inches from the building surface or protrude above the structural wall of which it is a part.
4. Cut out letters should not project more than six (6) inches from the building wall. Where such sign consists of individual lettering or symbols attached to the building, wall, or window, the area of the sign shall be considered to be that of the smallest rectangle or other regular geometric shape which encompasses all of the letters and symbols.
5. For the purpose of this subsection, wall is defined as the facade of the building up to the roof line excluding windows, doors, and architectural features.

c. Free Standing Sign.

1. No free standing sign shall exceed eighty (80) square feet in area, the top edge shall not be higher than twenty-five (25) feet vertical measure above average ground level from the base.
2. Free standing signs are to be limited to one (1) free standing sign per lot, "or" for lots with greater than 300 linear feet of street frontage, additional signs are limited to one (1) free standing sign per each additional section of 300 feet of street frontage.
3. If a freestanding sign is to be constructed within 300' of a previously installed free standing sign, approval must be granted by the Code Enforcement Officer after appropriate review of the Application.
4. Free standing signs may be located within the required front yard space, but no nearer than five (5) feet from either side or rear lot line and the paved portion of the road.
5. Lots fronting on two or more public streets or public ways are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on a single street in excess of that allowed for lots with only one street frontage.
6. Multi-tenant or unit commercial development which lacks street frontage and is served by a right-of-way may have one free standing sign not to exceed 80 square feet.
7. Appropriate landscaping should be planted and maintained around the base of the sign.

d. Window or Door Sign. Window and door signs are allowed without regard to the percentage of the window or door in which they are displayed. Signs posted within a window or door shall not cover more than 30 percent of the window or door area.

e. Projecting Sign. One projecting sign is permitted per structure. Such sign shall extend no lower than ten (10) feet above ground level, project from the wall at an angle of ninety (90) degrees, and be no nearer than fifteen (15) feet from any property line. No projecting sign shall exceed thirty-two (32) square feet.

f. Awning and Canopy Signs. Awning and canopy signs are permitted. Canopies over fuel islands shall only advertise fuel and fuel products.

2. R-1, R-2 and R-3 Districts.

The following standards apply to signs in the R-1, R-2 and R-3 Districts.

- a. In the case of a multi-family development or a subdivision with an identifying name (i.e. "Solar Slopes"), it shall be the responsibility of the owner or property manager of such premise to allocate sign space upon the premises, under the terms of this subsection.
- b. All signs shall be mounted flat on the wall or free standing.
- c. Signs shall be illuminated only by a steady stationary light(s) of single color shielded and directed solely at the sign not casting light off the premises.
- d. The permitted total signage shall not exceed twenty-four (24) square feet for residential development and eighty (80) square feet for non-residential development.

**Historical Note:** Section 13-700 §29 as amended June 27, 2005.

### 30. Stormwater Management.

- A. Adequate provision shall be made for disposal of stormwater generated within the development, and any drained ground water, through a management system of swales, culverts, underdrains, and storm drains.
- B. All components of the stormwater management system shall be designed to infiltrate, detain, or retain water falling on the site so as to limit peak discharge rates to predevelopment levels for the 2-year, 10-year, and the 25-year frequency, 24-hour duration storms, based on rainfall data for Caribou, ME.
- C. The proposed stormwater management system shall be designed by a Maine Registered Professional Engineer.
- D. The design of piped or open channel systems shall be based on a ten (10) year flow frequency without overloading or flooding beyond channel limits. In addition, the areas expected to be flooded by runoff of a twenty-five (25) year frequency shall be designated, and no structures shall be planned within such area.
- E. Rights-of-way or easements shall be designated for all components of the stormwater management system lying outside of established road lines. Wherever the storm drainage system is not within the right-of-way of a public road, perpetual easements shall be provided to the City allowing maintenance and improvement of the system. Such rights-of-way shall be at least thirty (30) feet in width.
- F. The stormwater management system shall take into consideration the upstream runoff which must pass over or through the development site. The system shall be designed to pass upstream flows generated by a twenty-five (25) year frequency through the proposed development without overloading the system or flooding areas not specifically planned for such flooding.
- G. Downstream drainage requirements shall be studied to determine the effect of the proposed development. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the development. The applicant shall be responsible for financing any improvements to existing drainage systems required to handle the increased stormwater flows.
- H. Where permanent embankment type storage or retention basins are planned, the basins shall be designed as outlined in the Natural Resources Conservation Service Engineering Field Manual or other appropriate references.
- I. Any grading or other construction activity on the site shall not cause unreasonable alteration of natural drainage ways such that drainage, other than that which occurred prior to development, shall adversely affect adjacent parcels of land and that drainage ways flowing from adjacent parcels of land to the development site shall be impeded.
- J. The developer shall maintain all components of the stormwater management system until it is formally accepted by the City, or is placed under the jurisdiction of a legally created association that shall be responsible for the maintenance of the system. The charter of such an association must be acceptable to the Planning Board.
- K. The stormwater management system shall be fully coordinated with project site plans, including consideration of road patterns, pedestrian ways, open space, building siting, parking areas, recreational facilities, and other utilities, especially sanitary wastewater disposal facilities.
- L. When the construction of a development is to occur in phases, the planning of the stormwater management system should encompass the entire site which may ultimately be developed, and not limited to an initial or limited phases of the development.
- M. The minimum pipe size for any storm drainage pipe shall be fifteen (15) inches for driveway entrances and eighteen (18) inches for cross culverts. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two (2) feet. Minimum depth of cover material shall be 24" from the pipe crown. Pipe shall be bedded in a fine granular material, containing no stones larger than three (3) inches, lumps of clay, or organic matter, reaching a minimum of six (6) inches below the bottom of the pipe extending to six (6) inches above the top of the pipe. Outlets shall be stabilized against soil erosion by stone riprap or other suitable materials which reduce water velocity. Catch basins shall be installed where necessary and located at the curb line.
- N. The physical, biological, and chemical properties of the receiving waters shall not be unreasonably degraded by the stormwater runoff from the development site.
- O. Storm Drainage Construction Standards.
  - 1. Materials.
    - a. Storm drainage pipes shall conform to the requirements of MDOT Standard Specifications for Highways and Bridges, latest edition, materials specifications §706 for non-metallic pipe and §707 for metallic pipe. Plastic (polyethylene) pipes shall not be installed except in closed systems such as road underdrains. Bituminous coated steel pipes shall not be used.

- b. Where the storm drainage pipe is to be covered by ten (10) feet or more of fill material, pipe material with a fifty (50) year life shall be used. These materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinylchloride (PVC) pipe, and corrugated aluminum alloy pipe.

2. Pipe Gauges.

Metallic storm drainage pipe shall meet the following thickness requirements depending on pipe diameter:

Inside Diameter	Material	
	Galvanized CMP Aluminum/Zinc Coated CMP Corrugated Aluminum Alloy	Aluminum Coated CMP Polymer Coated CMP
15" to 24"		14 ga.
16 ga		
30" to 36"		12 ga.
14 ga.		
42" to 54"		10 ga.
12 ga.		
60" to 72"		8 ga.
10 ga.		

- 3. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the Highway Superintendent.
- 4. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400 foot intervals.

P. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris, or foreign matter and shall be kept clean until final acceptance.

**31. Street Trees, Esplanades, and Open Green Spaces.**

Street trees, esplanades, and open space areas may be required at the discretion of the CEO or Planning Board. Where such improvements are required, they shall be incorporated in the Final Plan and executed by the developer as construction of the development progresses.

**32. Swimming Pools.**

- A. Swimming pools designed to hold more than 10,000 gallons of water installed after the effective date of this Ordinance shall require a permit issued by the CEO.
- B. All swimming pools shall meet accessory structure setback requirements for the District they are to be located in.
- C. Enclosures of swimming pools shall comply with the provisions of Title 22, MRSA, §1632.

**33. Temporary Dwellings.**

- A. Purpose: To provide for the temporary habitation of one dwelling during the construction or renovation of a second dwelling on a lot, except within the Resource Protection District of the City's Shoreland Zoning Ordinance.
- B. The CEO may issue a Temporary Dwelling permit for the purpose of the owner residing in one dwelling while a new dwelling is constructed or an existing dwelling is renovated, only if all of the following are met:
  - 1. The temporary structure to be resided in during the construction or renovation of the second (primary) structure shall be connected to an approved subsurface sewage disposal system.

2. All zoning setbacks and lot coverage requirements of this Ordinance shall be met.
3. The owner must reside in one of the structures during construction or renovations.
4. The structure which is not to be the principle residence shall be resided in for not more than eighteen (18) months from the date of the issuance of the permit for the construction of the primary residence.
5. Within eighteen (18) months from the date of the issuance of a permit in the case of a mobile home it shall be removed from the lot and other structures shall be converted to an accessory structure or removed.
6. Prior to the issuance of a building permit for the construction and renovation on a lot where a temporary residential structure will be located, the owner shall sign a binding agreement with the City that the provisions of this subsection shall be complied with.

#### **34. Toxic and Noxious Discharges.**

No use shall for any period of time discharge across the boundaries of the lot on which it is located toxic and noxious matter in concentrations in excess of one-fourth of the maximum allowable concentrations set forth in Table 1 of the Industrial Hygiene standards, maximum Allowable Concentration, Chapter 5 of the "*Air Pollution Abatement Manual*," latest edition, which is hereby incorporated in and made a part of this subsection by reference.

#### **35. Utilities.**

- A. Easements for utilities, either within or beyond the proposed development, as may be necessary, shall be provided for where necessary and shall be at least twelve feet (12') wide.
- B. Whenever practical, the applicant should be encouraged to install underground conduits and other necessary subsurface structures to provide electric power, telephone, and cable service throughout the development. Such underground structures shall be constructed according to the requirements of the utility company involved.

#### **36. Waste Material Accumulations Regulated.**

Deposits or accumulations of rubbish, junk, junk automobiles and parts thereof, discarded articles of any kind, household, industrial, or commercial wastes shall not be made in any District except at a dumping place or places designated as such by the City Council provided, however, that nothing in this subsection shall be construed to prohibit the establishment or operation of commercial automobile graveyards and junkyards as permitted under the terms of these Ordinances.

#### **37. Water Supply.**

##### **A. Public Water Supply.**

1. Any development within 1000 feet of a public water supply, at its nearest point, shall make provisions for connection to the public system. When public water supply service shall not be available at the time of construction, a "capped system" may be installed within the development, at the discretion of the Planning Board and after consultation with the Caribou Utilities District, to allow future connection when service becomes available without excavation within the right-of-way of any road within the development.
2. When a development is to be served by a public water supply system, the complete system within the development, including fire hydrants, shall be installed at the expense of the developer. The size and location of mains, gate valves, hydrants, service connections shall be reviewed and approved in writing by the Caribou Utilities District. Service provided shall be a minimum of 20 psi. and 500 gallons per minute. The Caribou Fire Chief shall review the system for minimal provision of service.
3. A proposed development shall not generate a demand on the source, treatment facilities, or distribution system of the Caribou Utilities District beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the development. The developer shall be responsible for paying the costs of system improvements necessary to the District's system improvement plan, as necessary, to alleviate existing deficiencies.
4. The public sewage disposal system(s) and related equipment for the development shall be designed by a Maine Registered Professional Engineer in full compliance with the requirements of the "*State of Maine Subsurface Wastewater Disposal Rules*" and shall be approved by the CEO or Planning Board and the Health Office.

**B. Private Individual Wells.**

1. When a proposed development is not within 1000 feet of a public water supply, at its nearest point, the water supply shall be from individual wells. The developer may install and connect to the public water supply system totally at their own expense and in conformance with the standards and specifications of the Caribou Utilities District.
2. Due to the increased chance of contamination from surface water, dug wells shall be prohibited. The applicant shall prohibit dug wells by deed restrictions and a note on the final recording Plan.
3. Wells shall not be constructed within 100 feet of the traveled way of any road. If located downhill from the road, or within 50 feet of the traveled way of any road, or if located uphill of the road, this restriction shall be included as a note on the final recording Plan and deed restriction to the effected lots.
4. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
5. Lot design shall permit placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface water disposal areas in compliance with the *Maine Subsurface Wastewater Disposal Rules*.

**38. Establishments dealing in the consignment or resale of used personal property.**

The City of Caribou, Maine elects to adopt and enforce the requirements of Maine Revised Statute Annotated, Title 30-A, §3971, Records of sales of used merchandise.

The City of Caribou requires by this ordinance that every establishment within the City of Caribou, dealing in the consignment for sale, resale or trade of any and all personal property, provide and deliver to the Caribou Chief of Police a monthly inventory report of all items taken into that establishment's inventory. The monthly report is to be delivered to the Chief of Police by the 15<sup>th</sup> of each month showing the previous calendar months inventory of new transactions.

This ordinance pertains to every dealer in used personal property, including and not limited to pawn shops, used merchandise shops, consignment shops, internet sales shops and establishments similar in use.

**39. Registered Nonprofit Dispensaries and Registered Cultivation Facilities for Medical Marijuana**

**A. Purpose and Authority**

To regulate the location of Registered Medical Marijuana Dispensaries within the City of Caribou:

Pursuant to Title 22 MRSA Chapter 558 C and §2428 (10), Maine law provides for the siting of Medical Marijuana Dispensaries as permitted by the Department of Health and Human Services. The City of Caribou also reserves the right for additional siting and licensing requirements pursuant to municipal home rule authority, Title 30-A MRSA §3001.

Where as marijuana has been determined to have both legitimate medical uses as well as a history of widespread illegal use, this Ordinance shall serve to govern the siting and licensing requirements specific to the City of Caribou for the operation of a Registered Medical Marijuana Dispensary.

**C. Regulations:**

1. The establishment of a Registered Nonprofit Dispensary or Registered Cultivation Facility shall require review by the Caribou Planning Board as per Section 13-300 "Site Design Review" of the Caribou Code. Section 13-302 (B) shall require a mandatory public hearing as part of the Site Design Review. Siting requirements shall also apply to any and all ancillary structures, mobile units, or any future types of dispensary mechanisms as yet contemplated within this ordinance.
2. No Certificate of Occupancy shall be granted for a Registered Nonprofit Dispensary unless the structure providing the service is located in the H-1, C-1, C-2, I-1, I-2 or RC-2 Zones.
3. No Registered Nonprofit Dispensary shall be allowed in the R-1, R-2 or R-3 Residential Zones or within 300 feet of an existing residential dwelling or within 300 feet of the R-1, R-2 or R-3 Residential Zone Boundary Line.

4. No Certificate of Occupancy shall be granted for a Registered Nonprofit Dispensary if the premise concerned is located within the Drug Free Safe Zone, or 500 feet of a preexisting Private School, Day Care Facility, or House of Public Worship.
5. No Certificate of Occupancy shall be granted for a Registered Cultivation Facility unless the structure is located within a Registered Nonprofit Dispensary or is offsite from the Dispensary within the R-3 Zone and also meeting all setback requirements applicable to Registered Nonprofit Dispensaries.
6. No Certificate of Occupancy shall be granted for a Registered Nonprofit Dispensary unless the premise concerned is in complete compliance with all municipal, state and federal Codes and Regulations.

Security requirements for both the Registered Nonprofit Dispensary and associated Registered Cultivation Facilities shall include as a minimum:

- a. Lockable doors and windows to include intrusion alarms with audible and police notification components sending notification directly to or through a second party to the Caribou Police Department.
  - b. Exterior security lighting comprised of spot lights with motion sensors covering the full perimeter of the facility.
  - c. Video surveillance capable of covering the entire perimeter of the facility, interior, and all plants cultivated within the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day seven days per week and such records of surveillance shall be retained for a minimum duration of 90 days
7. A Registered Nonprofit Dispensary and Registered Cultivation Facility may not continue to employ an employee who is convicted of any state or federal controlled substance law, or is under indictment or charged with any state or federal controlled substance law violation, while employed at the Registered Nonprofit Dispensary and or Registered Cultivation Facility. If a principal officer or board member is convicted of any state or federal controlled substance law while a principal officer or board member of a Registered Nonprofit Dispensary or Registered Cultivation Facility, that Registered Nonprofit Dispensary or Registered Cultivation Facility shall immediately be considered in violation of this Chapter.
  8. Medical Marijuana Disbursing Facilities must provide an adequate interior waiting area to ensure no exterior waiting of clients.
  9. Medical Marijuana Disbursing Facilities must provide adequate off street parking on site at 1 parking space per every 150 square feet of interior space. Each parking space shall be a minimum of 9 feet wide by 21 feet long.
  10. All signage shall meet the requirements of Section 13-700, #29, A through H and may not use any pictorial representations of any portion of a marijuana plant, products, by-products, or paraphernalia associated with the use or distribution of legalized medical marijuana or illegal use of marijuana.

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**Historical Note:** Section 13-700 §1(B,C,D & E) as amended March 26, 2007; Section 13-700 §38 was added February 11, 2008 (State Law Reference: MRSA 30-A, §3971); Section 13-700 §39 was added October 25, 2010.