City of Caribou, Maine

Municipal Building
25 High Street
Caribou, ME 04736
Telephone (207) 493-3324
Fax (207) 498-3954

AGENDA
Caribou Planning Board
Regular Meeting
Thursday, November 12, 2026, at 6:00 p.m.

Public Comments submitted prior to the meeting no later than 4:00 pm on Thursday, November 12, 2026, will be read during the meeting. Send comments to Economic & Community Development Specialist, Eric Sanderson at esanderson@cariboumaine.org.

		PAGES
I.	Call Meeting to Order, Determine Quorum, disclosure of conflicts of interest	
II.	Acceptance of Minutes	**02-03**
	a. October 8, 2026 Caribou Planning Board	
III.	Public Forum	-
IV.	Public Hearings	-
	a. Application for Registered Medical Cannabis Dispensary – Derrell Richardson, 9 Bog Road	
	b. Application for Registered Medical Cannabis Dispensary – Safe Alternatives, 1137 Presque Isle Road	
V.	New Business	**04-29**
	a. Review Site Design Review Application for Registered Medical Cannabis Dispensary 9 Bog Road	04-11
	i. Staff Memo and Review of Application	12-15
	b. Review Site Design Review Application for Registered Medical Cannabis Dispensary 1137 Presque Isle Road	16-25
	i. Staff Memo and Review of Application	26-29
VI.	Workshop	**30-260**
	a. Updates to Chapter 13 Zoning Ordinance, All Sections	
	i. Staff Memo on Updates to Ch. 13	30-34
	ii. Proposed redline updates to Ch. 13	**35-260**
VII.	City Council Liaison Report	
VIII.	Staff Report	
	a. Building Permit & Development Report – Tim St. Peter, Code Enforcement Officer	
	b. Next Meeting – Thursday, December 10th at 6PM.	
IX.	Adjournment	

City of Caribou, Maine

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25 High Street
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MINUTES
Caribou Planning Board
Regular Meeting
Thursday, October 8, 2026, at 6:00 p.m.

Members in Attendance: Frank McElwain (Chair), Steve Wentworth, Dave Corriveau, Eric Hitchcock

Liaisons in Attendance: Dan Bagley (City Council)

Staff in Attendance: Tim St. Peter (Code Enforcement Officer), Eric Sanderson (Economic & Community Development Specialist).

I. Call Meeting to Order, Determine Quorum, disclosure of conflicts of interest

The meeting was called to order by Chari, Frank McElwain at 6:20PM.

II. Acceptance of Minutes
a. September 10, 2026 Caribou Planning Board

Motion to accept the minutes by Steve Wentworth, seconded by Eric Hitchcock.
Motion Passes unanimously 4-0-0.

III. Public Forum

Gail Hagelstein spoke to the issue of e-bikes, including the dangers for e-bike riders as well as the drivers of larger vehicles who may get into an accident with e-bike riders who do not obey traffic laws. She added that the City should include e-scooters, one wheels, and all other modes to be as comprehensive as possible. E-bike and e-scooter riders should be required to wear bright colors, lights, reflectors, and have some sort of bell to give an additional auditory warning. She stated this would be a great Winter activity and that the PSA drafted by Scarborough would be a good starting point for Caribou, including to be given out to any riders of e-bikes and e-scooters. These should be at all public buildings (Municipal Building, Library, Parks & Recreation Department).

IV. New Business

a. Discuss and Consider Approach to Improving Pedestrian Safety Related to E-Bikes & E-Scooters
   i. Staff Memo on Possible Approaches and Standards for E-Bikes & E-Scooters

The Board discussed that it appears the laws at the State level are in place to have violations issued to riders or parents of riders for minors. Tim St. Peter stated one of the approaches the City has discussed is a registration process, but at the very least the existing Chapter 12 Traffic Regulations could be updated to include E-Bikes and E-Scooters. Dave noted crafting an ordinance that requires tickets and registration upon the first offense, which then creates a record.

Having ordinance language that encompasses the Scarborough Public Service Announcement standards may be beneficial. Steve stated that once a violator is caught there is a record for that, with Eric Hitchcock noting he does not support a local license or registration process.

The Board requested a specific workshop to review E-Bike information at the next meeting.

b. Discuss and Consider Approach to Data Center Developments
   i. Staff Memo on Possible Approaches and Standards for Data Centers

The Board discussed Data Centers. Dave Corriveau noted that cost of power will be an issue, and that Loring Air Force Base would be a good location with potential access to power from Van Buren. The Board's discussion noted the rising power costs per kilowatt hour may deter development of this nature. Temperature cooling was noted to possibly be benefitted by the Northern Maine Winters, and in the Summer companies may look to our rivers, which are historically dry during the Summers.

The Board's sentiment is that there is not the demand, adequate utility capacity or costs to attract a Data Center in Caribou.

V. Workshop
   a. Updates to Chapter 13 Zoning Ordinance, Sections 13-100 & 13-200

      i. Staff Memo on Updates to Ch. 13
      ii. Proposed redline updates to Ch. 13

The Board discussed the updates, first coming to the Riverfront Districts. The Riverfront Redevelopment Committee did not set minimum lot sizes, setbacks, and frontage requirements for any of the six proposed riverfront districts. The Board requested that staff analyze the existing lots, sizes, and potential impacts, as well as scheduling a workshop at an upcoming meeting. Steve Wentworth noted that the lot sizes should consider the allowed commercial uses and required parking, taking into account acceptable pedestrian walking distances to desired development areas according to the Master Plan, when approved.

The Board discussed making sure the definitions align with the Land Use Table as proposed. It went on to discuss signage, with I-2 zoning needing to be removed as proposed, as well as removing the fee and putting it in the Fee Schedule adopted by the City Council. Dan Bagley noted that previously existing non-conforming uses. The intent of the changes proposed previously was to encourage allowance of existing businesses but limiting expansion to only those uses.

VI. City Council Liaison Report

VII. Staff Report
   a. Building Permit & Development Report – Tim St. Peter, Code Enforcement Officer

   b. Next Meeting – Thursday, November 12th at 6PM.

VIII. Adjournment

Motion by Dave Corriveau to adjourn the meeting. Seconded by Eric Hitchcock. Motion passes unanimously 4-0-0.

Building Inspections & Code Enforcement
Permit Fee Payments
(Please pay at the front counter on the first floor)

Date: 9/25/26 Permit Number: _____

Customer Name: Darrell Richardson

(13) Building Permit:	Flat $50 fee ($100 if apply after construction begins)		$ 50
(14) Plumbing permit:	(Internal: $10 / fixture ($40 minimum) External: Complete disposal system is $250 Refer to Fee Schedule 3A for partial	75% Caribou	$ 30.-
		25% State	$ 10.-
Shellfish Surcharge:	$15 (full system - external only)	100% State	$ _____
53 - Zoning Document fee:			$ _____
(54) - Site Design Application:	$90 + $10 / 2000 sq ft		$ $125
55 - Board of Appeals Application:	$90		$ _____
56 - Certificate of Occupancy:	$25		$ _____
57 - Demolition Permit:	$250 (waived if apply in advance)		$ _____
58 - Sign Permit:	$50 / permit *(not per sign)*		$. _____
59 - Subdivision Application:	$180 (first three)+ $10/each additional lot		$. _____
62 - Misc. Inspection Service:	$40		$. _____
68 -Rezoning Request:	$100		$ _____
69 - Code Amendment Request:	$100		$. _____
		TOTAL:	$. 215

Plumbing Inspections: Please call Brandon Saucier 554-0654
Building Inspections: Please call Tony Michaud 493-5966

You can also call the department at (207) 493 - 3324 X 3 (Tony & Penny)

Site Design Application

Planning & Code Enforcement
City of Caribou
25 High St.
Caribou, Maine 04736

(207) 493 – 3324 option 3
pthompson@caribou maine.org

Fee 10/1

Note to Applicant: Complete this application and return it with the required documents. In addition, the required fee must be returned along with this completed application. Make checks payable to: "City of Caribou", in the amount of $90.00 plus $10.00 per 2000 square feet of total gross floor area for commercial, industrial or other non residential applications.

Please print or type all information

Name of Property Owner / Developer: Derrell Richardson

Development Name: _____

Location of Property (Street Locations): 9 Bog Rd.

City of Caribou Tax Map: 015 Lot: 051-B Zone: R3

Site Design Review Application – City of Caribou, Maine

Site Design approval will not be considered complete until the Planning Board has determined it has all of the necessary information to review the proposal and render a decision. You are advised to meet with the Code Enforcement Officer prior to completing the application as it may not be necessary to comply with all of the items shown on the form. The review of your application shall consist of at least (2) two presentations to the Planning Board and possibly additional presentations until all required information has been provided. A "Performance Bond" may be required prior to approval of this project.

Applicant Information

Please provide a brief description of this project.

Medical marijuana dispensary

Person and address to which all correspondence regarding this application should be sent to:

Derrell Richardson Phone: 207-768-0474

9 Bog Rd Caribou, ME 04736

E-mail: Richardsonremedies.ami@gmail.com

If applicant is a corporation, check if licensed in Maine ( ) Yes ( ) No
(Attach copy of Secretary of State Registration)

Name of Land Surveyor, Engineer, Architect or other Design Professionals. (attach list if needed)

Phone:

Phone:

What legal interest does the applicant have in property to be developed (ownership, owners representative, option, purchase & sales contract, etc?)

(Attach supportive legal documentation)

General Information

Aroostook County Registry Deeds: Book # 5261 Page # 30 (attach copy of deed)

What interest does the applicant have in any abutting property?

Is any portion of the property within 250 feet of the normal high water line of a lake, pond, river, or wetland or within 75 feet of any stream? ( ) Yes ( ) No

Is any portion of the property within a Flood Hazard Zone? ( ) Yes ( ) No

Total area or acreage of parcel: 120 Total area or acreage to be developed: 120

Has this land been part of subdivision in the past five years? ( ) Yes (✓) No

Identify existing use(s) of land (farmland, woodlot, residential, etc.) _____

_____

Indicate any restrictive covenants to be placed in the deed -- (Please attach list)

Does the applicant propose to dedicate any recreation area, or common lands? (____) Yes (____) No

Recreation area(s) Estimated Area & Description: _____

Common land(s) Estimated Area & Description: _____

Anticipated start date for construction: month / year ____/____ Completion: ____/____

Does any portion of the proposal cross or abut an adjoining municipal line? (____) Yes (✓) No

Does this development require extension of public services? (____) Yes (✓) No

Roads: _____ Storm Drainage: _____ Sidewalks: _____ Sewer Lines: _____ Other: _____

Estimated cost for infrastructure improvements: $_____

Water Supply: Private Well: (✓) Public Water Supply: (____)

Sewerage Disposal: Private SSWD: (✓) Public Sewer: (____)

Estimated sewerage disposal gallons per day: (_____/ day)

Does the building require plan review by the State Fire Marshal Office? (____) Yes (✓) No
(Attach Barrier free and Construction Permits from SFMO)

Have the plans been reviewed & approved by the Caribou Fire Chief? (____) Yes (____) No

Does the building have an automatic sprinkler system? (____) Yes (✓) No

Does the building have an automatic fire detection system? (✓) Yes (____) No

Will the development require a hydrant or dry hydrant fire pond? (____) Yes (✓) No

Concept Plan Review Criterion

The Planning Board shall review applications first as a Concept Plan. Concept Plan Review is intended to insure the proposed plan is in conformance with the Caribou Comprehensive Plan and all City Ordinances. The completed application and concept plans shall be delivered to the Code Enforcement Office no less than 21 days prior to the first day of the next month. The

Chairman of the Planning Board shall determine the schedule and agenda of the next meeting when the application and plans will receive Concept Plan Review. At a minimum, Concept Plan applications shall include the following:

1. ____ Name and address of the owner of record and applicant (if different).

2. ____ Name of the proposed development and location.

3. ____ Names and addresses of all property owners within 500 feet of the property.

4. ____ A copy of the deed to the property, option to purchase the property, or other documentation to demonstrate right, title, or interest in the property on the part of the applicant.

5. ____ Names and addresses of all consultants working on the project.

6. ____ 1 complete set of plans, 24" X 36" & 10 complete sets of plans, 11" X 17"
   Plans to be included:
   - Boundary Survey
   - Storm Water Management
   - Erosion and Sediment Control
   - Finish Grading Plan
   - Site Improvement Detail
   - Building Elevations and Structural Plans

7. **Plans to show the following elements for review:**

   ____ a. Graphic scale and north arrow.

   ____ b. Location and dimensions of any existing or proposed easements and copies of existing covenants or deed restrictions.

   ____ c. Name, registration number, and seal of the land surveyor, architect, engineer, and/or similar professional who prepared the Plan.

   ____ d. All property boundaries, land area, and zoning designations of the site, regardless of whether all or part is being developed at this time.

   ____ e. Size, shape, and location of existing and proposed buildings on the site including dimensions of the buildings and setbacks from property lines.

   ____ f. Access for Emergency Vehicles, location and layout design of vehicular parking, circulation areas, loading areas, and walkways including curb cuts, driveways, parking space and vehicle turn around areas.

   ____ g. Location and names of streets and rights-of-way within 200' and adjacent to the proposed development.

   ____ h. Proposed finish grades and graphic arrows indicating the direction of storm water runoff.

   ____ i. Conceptual treatment of on and off site storm water management facilities.

   ____ j. Location and sizes of existing and proposed sewer and water services including connections.

   ____ k. Conceptual treatment of landscaping buffers, screens, and plantings.

____ l. Location of outdoor storage areas, fences, signage and accessory structures.

____ m. Context map illustrating the area surrounding the site which will be affected by the proposal including all streets, sidewalks, intersections, storm water drainage ways, sanitary sewer lines and pump stations, nearby properties and buildings, zoning Districts, and geographic features such as, but not limited to, wetlands, natural features, historic sites, flood plains, significant scenic areas, and significant wildlife habitats as provided in the Comprehensive Plan.

____ n. All proposed signage and exterior lighting including the location, size and wording of all signs, type of exterior lights, radius of light, manufacturer's specifications sheet, and the ground level intensity in foot- candles of all exterior lights.

Final Site Design Plan Requirements

Following approval of the Concept Plan Review, the Planning Board may by majority vote schedule the Site Design Application for Final Plan Review. Final Plan Review must be at least 30 days following Concept Plan Approval. If additional information is required by the Planning Board following the Concept Plan Review, a complete set of revised plans shall be provided for final review and approval. If additional information or a change of information is required, the revised plans shall be delivered to the Code Enforcement Office at least 21 days prior to the next scheduled meeting.

Final Site Design Plan Review shall require three (3) 24" X 36" sets of plans for Board Signatures.

If the Planning Board determines that third party review will be necessary to make a sound decision, the applicant will be responsible for any fees incurred for the third party review.

During the Final Site Design Review the Chairman or designee shall determine that all of the elements of review 7-a., through 7-n. above have been addressed. The chair may then call for a motion.

If the Final Plan is approved by the Planning Board, no work may commence for a period of 30 days following the date of approval.

Final Site Design Plans shall provide an area designated for all seven Planning Board members signatures.

Applicant Signature:

To the best of my knowledge, all of the information submitted in this application is true and correct.

Signature of Applicant: Donald R [signature] Date: 9-29-26

Final Site Design Review Criteria by Planning Board

Date: _____

		Yes	No	N/A
A.	Conformance with Comprehensive Plan	____	____	____
B.	Traffic	____	____	____
C.	Site Access	____	____	____
D.	Parking & Vehicle Circulation	____	____	____
		Yes	**No**	**N/A**
E.	Pedestrian Circulation	____	____	____
F.	Site Conditions	____	____	____
G.	Open Space	____	____	____
H.	Sanitary Sewage	____	____	____
I.	Water	____	____	____
J.	Emergency Vehicle Access	____	____	____
K.	Waste Disposal	____	____	____
L.	Buffering	____	____	____
M.	Natural Areas	____	____	____
N.	Exterior Lighting	____	____	____
O.	Stormwater Management	____	____	____
P.	Erosion & Sediment Control	____	____	____
Q.	Buildings	____	____	____
R.	Existing Landscaping	____	____	____
S.	Infrastructure	____	____	____
T.	Advertising Features	____	____	____
U.	Design Relationship to Site & Surrounding Properties	____	____	____

V.	Scenic Vistas & Areas		____	____	____
W.	Utilities		____	____	____
X.	Mineral Exploration		____	____	____
Y.	General Requirements	(Pg. 859)	____	____	____
Z.	Phosphorus Export		____	____	____

City of Caribou, Maine
Planning Board

Site Design Review for: _____

Address: _____

On _____(date) the members of the Caribou Planning Board met to consider the application for Site Design Review on the property referenced above.
The application was: **Denied** / **Approved** / **Approved with conditions**

Approved by the Caribou Planning Board

Signed: _____ Chairman of the Planning Board

_____

_____

_____

_____

_____

_____

Date: ____ / ____ / ____

Conditions of Approval:

_____

_____

_____

CARIBOU ECONOMIC DEVELOPMENT
25 HIGH STREET
CARIBOU, ME 04736

MEMO

TO: Caribou Planning Board
FROM: Eric Sanderson, Economic & Community Development Specialist
DATE: November 5, 2026
RE: Site Design Review Application – Registered Medical Cannabis Dispensary at 9 Bog Road

Introduction

At its May 11, 2026 meeting, the Caribou City Council adopted new standards in Chapter 7 Licensing & Permits, and Chapter 13 Caribou Land Use Ordinance related to Registered Medical Cannabis Dispensaries and the requirements for licensing, zoning and Site Design Review for such establishments in Caribou. These were further revised, reviewed, and approved by the City Council based on the Planning Board's review in August of 2026 to reduce the buffer requirement to residential uses from 300 feet to 100 feet. That was approved by the City Council at its September 21st Regular Meeting.

Mr. Derrell Richardson has submitted a Site Design Review application for a Registered Medical Cannabis Dispensary located at 9 Bog Road. The property is further identified as Map 015, Lot 051-B, and is in the R-3 Zoning District.

Relevant Standards

The licensing process for Registered Medical Cannabis Dispensaries in Caribou outlined in Chapter 7 Licenses and Permits requires applicants go through Site Design Review with the Planning Board before licensing review with the ultimate permit authority of the City Council. The use is permitted in the R-3 Zoning District by Planning Board review, which further stipulates the necessity of this Site Design Review.

Use-specific standards include those outlined in Chapter 13-700.39 General Requirements for Land Uses, Registered Medical Cannabis Dispensaries. This requires a mandatory public hearing and abutter notification within 500 feet. Letters have been sent to abutters within 500 feet of the development notifying of this hearing, which are included as Attachment 1 of this memo. The Public Hearing notification in a newspaper of general circulation (The County) is included as Attachment 2. The Agenda for the meeting was posted in the Municipal Building and the Caribou Public Library. The location is not within 100 feet of an existing residential dwelling per 13-700.39(7)(2)(b) or in a Drug Free Zone.

Staff Comments

The applicant should be prepared to speak to the compliance with State Laws and Security Requirements referenced in Chapter 13.

Conclusion

The Planning Board must open the Public Hearing to receive public comment and then conduct its Review. If the application is approved, it would be reviewed by the City Council and the inspection process outlined in 13-700.39 completed by the CEO, Police Department, Fire Department and other municipal authorities as may be required.

Attachments

Attachment 1 – Abutter Notice

Attachment 2 – Notice of Public Hearing in Newspaper (The County).

Municipal Building
25 High Street
Caribou, ME 04736
Telephone (207) 493-3324
Fax (207) 498-3954
www.caribou maine.org

NOTICE OF APPLICATION FOR SITE DESIGN REVIEW

Date: Oct 26,2026

To: Property Owners within 500 feet of 9 Bog Rd,

NOTICE IS HEREBY GIVEN that an application for **Site Design Review** has been submitted to the City of Caribou for review under **Sec. 13-300 (Site Design Review Ordinance)** of the Caribou Land Use Ordinances.

Project Description
This public hearing is required per initial licensing requirements for Registered Medical Cannabis Dispensaries under Chapter 7, Art. XI, in conjunction with the proposed site design review at the above referenced property.

Meeting Details & Public Comment
The Planning Board will review this application at an upcoming meeting:

- **Date:** November 12, 2026
- **Time:** 6:00 PM
- **Location:** Caribou City Council Chambers, City Hall, 25 High Street, Caribou, ME 04736
- **Purpose of Meeting:** Public Hearing

Opportunity for Review & Public Comment

- **Application Access:** Copies of the application, site plans, and supporting documentation are available for public inspection during regular business hours at the Code Enforcement Office, Caribou City Hall, 25 High Street, Caribou, Maine.
- **Written Comments:** Written comments regarding this proposal may be submitted prior to the meeting by mail or email to:
  - **Mail:** Code Enforcement Office, City of Caribou, 25 High Street, Caribou, ME 04736
  - **Email:** Tim St. Peter (tstpeter@caribou maine.org) or
    Eric Sanderson (esanderson@caribou maine.org)

If you have any questions or require additional information, please contact the Code Enforcement Office at (207) 493-3324, or via email at tstpeter@caribou maine.org or esanderson@caribou maine.org.

Sincerely,

Tim St Peter

Code Enforcement Office
City of Caribou, Maine

CYR MANAGEMENT
is accepting applications for 1 and 2 bedroom apartments for the following locations:
Applewood Apartments
7 Willimantic Ct., Presque Isle, ME.
Birchwood Apartments
10 Coventry Ct., Presque Isle, ME.
Woodland Terrace
14 Dewberry Dr., Presque Isle, ME.
Windermere Apartments
2 Windermere Rd., Easton, ME.
Income limits do apply
For more information, please call 207.764.6333
TTY 711
"This institution is an equal opportunity provider and employer"

FOR RENT
1 bedroom apartment, 3/4 furnished, all utilities included. Private parking, in residential area in Limestone. Call 325-4948

HOULTON QUALITY HEATED APARTMENTS
Conveniently located in downtown area. To see available units go to broadwayrents.com

NORTH RIDGE APARTMENTS
Caribou, ME

IMMEDIATE 2 bedroom vacancies

North Ridge offers such amenities as on site coin-op laundry, with all new washing machines, individual entrances, country setting and a large open area with a playground. All utilities included. Some units offer private balconies, non smoking and smoking buildings.

*We currently have one ground floor unit that is partially handicap accessible.

Section 8 vouchers are accepted.

Income limits apply.

Call Kyle, Karen or Kelly at Maine Development Associates 1-800-639-1747

Applications can also be printed from our website mainedevelopment.com.

Equal Housing Opportunity

RLW MANAGEMENT, INC. is a professional property management company. We offer 1, 2, 3 bedroom apts. & homes in CARIBOU when available. Some units are subsidized, as well as designed for person(s) with disabilities. All of our units include amenities such as garbage removal, lawn care, snow removal & 24 hour maintenance at very competitive rates. Most units include heat & hot water. We accept Section 8 & other Housing Vouchers. Please call 207-498-3097 for availability. TTY Dial 711. Equal housing and employment opportunity.

Rooms for Rent

PRESQUE ISLE - 1, 2 AND 3 BEDROOM HOUSES FOR RENT
References and Security deposit required. Call for more info 764-3473 EHO.

ROOMS FOR RENT
We have 4 locations in PRESQUE ISLE. Room prices are $95 and up per week. EHO 764-3473.

Wanted

WANTED
Used motor oil, hydraulic oil, ATF, vegetable oil, call 757-8594.

Yard / Garage Sale & Fundraising

PRESQUE ISLE MOVING SALE
42 Midway Dr. (street across from NMCC entrance). 16", 17", 18" tires - like new; 2 electric snowblowers -like new; misc. household items; Cub Cadet riding lawn mower; 9'x10' storage shed. All week 9am-5pm.

VIEW MORE CLASSIFIEDS ONLINE at classifieds.thecounty.me

Legal Notices

LEGAL NOTICE OF PUBLIC HEARING
CITY OF CARIBOU

The City of Caribou Planning Board will hold two public hearings on Thursday, November 12th, 2026 at 6PM during its regularly scheduled meeting. The hearings will be held at the Caribou Municipal Building located at 25 High Street, Caribou, Maine.

- To review the Site Design Review application of Derrell Richardson for a Registered Medical Cannabis Dispensary at 9 Bog Road pursuant to Chapter 13 Land Use Ordinance of the City of Caribou
- To review the Site Design Review application of Safe Alternatives for a Registered Medical Cannabis Dispensary at 1137 Presque Isle Road pursuant to Chapter 13 Land Use Ordinance of the City of Caribou

Materials for the meeting may be accessed in the City Clerk's office and on the City's website at https://www.cariboumaine.org. Applications are available for public inspection during regular business hours at the Code Enforcement Office. For additional information relating to the applications, please contact Eric Sanderson, Economic & Community Development Specialist at (207) 498-5096 or esanderson@cariboumaine.org.

November 4, 2026

Legal Notices

PLEASANT LAKE PHASE 1 TRAILS PROJECT

Northern Border Regional Commission project: GT-25FAC-00002

Maine Trails Program project: MTP25111

The project includes construction of approximately eight (8) miles of singletrack trails.

Email Steve Kasacek (steve@outdoorsi.org) for a copy of the RFP.

November 4, 2026

C HEARING
OU

l a public hearing, 00 pm in the City gh Street, Caribou,

Ordinance to make Acquired Property"

to attend.

8, November 4, 2026

Legal Notices

TOWN OF PORTAGE LAKE
NOTICE OF PUBLIC HEARING

The Town of Portage Lake Planning Board shall hold a Public Hearing on Thursday, November 12th, at 6:30 PM in the Town Hall, 20 School Street, Portage Lake, ME.

The purpose of this meeting is to hear public comments on a proposed Solar Ordinance. A copy of the ordinance is available at the town hall.

The Public is invited to attend.

November 4, 11, 2026

THE MONTHLY MEETING OF THE CARIBOU UTILITIES DISTRICT WILL BE HELD TUESDAY, NOVEMBER 10, 2026 IN THE CITY OF CARIBOU, COUNCIL CHAMBERS, LOCATED AT 25 HIGH STREET, CARIBOU, MAINE BEGINNING AT 5:30 P.M.
Published November 4, 2026

ng to say you?
Phone: 207-990-8128

PLACE YOUR AD
207-990-8020

COMMERCIAL LOT
FOR SALE BY OWNER
355 North St., Houlton, ME
Septic: 2005 install
Septic: 2024 Inspec.
Shallow well
Dimensions 150' X 150'
Zoned: BB
DOT est. 5000 vehicles/day
$265K w/ owner financing
651-340-5800

FOR RENT

Legal Notices

WN MEETING WARRANT
vember 12, 2026

Town of Frenchville in the County of Aroostook, State

re hereby required to notify and warn the voters of the tate, qualified by law to vote in town affairs, to meet at id town on Thursday, the 12th day of November, 2026 re to act on articles numbered one thru all said articles

THE COUNTY
The County Classifieds Deadlines:

Liners & Non-Legal Classifieds:	Legals and Obituaries:
4 p.m. Friday prior to publication date	8:30 a.m., Wednesday prior to publication date

Questions? Contact us at:
classifieds@bangordailynews.com

Building Inspections & Code Enforcement
Permit Fee Payments

(Please pay at the front counter on the first floor)

Date: 10/27/24 Permit Number: _____

Customer Name: ~~Saft~~ Safe Alternatives

13 - Building Permit:	Flat $50 fee ($100 if apply after construction begins)		$_____
14 - Plumbing permit:	Internal: $10 / fixture ($40 minimum) External: Complete disposal system is $250 Refer to Fee Schedule 3A for partial	75% Caribou	$_____
		25% State	$_____
Shellfish Surcharge:	$15 (full system - external only)	100% State	$_____
53 - Zoning Document fee:			$_____
54 - Site Design Application:	$90 + $10 / 2000 sq ft		$ 100.00
55 - Board of Appeals Application:	$90		$_____
56 - Certificate of Occupancy:	$25		$_____
57 - Demolition Permit:	$250 (waived if apply in advance)		$_____
58 - Sign Permit:	$50 / permit *(not per sign)*		$_____
59 - Subdivision Application:	$180 (first three)+ $10/each additional lot		$_____
62 - Misc. Inspection Service:	$40		$_____
68 -Rezoning Request:	$100		$_____
69 - Code Amendment Request:	$100		$_____
		TOTAL:	$ 110 -

Plumbing Inspections: Please call Brandon Saucier 554-0654 CK# 2465

Building Inspections: Please call Tony Michaud 493-5966

You can also call the department at (207) 493 - 3324 X 3 (Tony & Penny)

Site Design Application

Planning & Code Enforcement
City of Caribou
25 High St.
Caribou, Maine 04736

(207) 493 – 3324 option 3
pthompson@caribou maine.org

Note to Applicant: Complete this application and return it with the required documents. In addition, the required fee must be returned along with this completed application. Make checks payable to: "City of Caribou", in the amount of $90.00 plus $10.00 per 2000 square feet of total gross floor area for commercial, industrial or other non residential applications.

Please print or type all information

Name of Property Owner / Developer: Ouellette Enterprises LLC - Josh Ouellette

Development Name: Safe Alternatives

Location of Property (Street Locations): 1137 Presque Isle Rd

City of Caribou Tax Map: 2 Lot: C18-C Zone: R-C2

Site Design Review Application – City of Caribou, Maine

Site Design approval will not be considered complete until the Planning Board has determined it has all of the necessary information to review the proposal and render a decision. You are advised to meet with the Code Enforcement Officer prior to completing the application as it may not be necessary to comply with all of the items shown on the form. The review of your application shall consist of at least (2) two presentations to the Planning Board and possibly additional presentations until all required information has been provided. A "Performance Bond" may be required prior to approval of this project.

Applicant Information

Please provide a brief description of this project.

Ordinance Change - re apply - applied 10/26/2016

no changes to property

Person and address to which all correspondence regarding this application should be sent to:

Safe Alternatives

P.O. Box 351

Caribou ME 04736

Phone: 207-492-2651

E-mail: operations@safealternativesmaine.com

If applicant is a corporation, check if licensed in Maine (✓) Yes (___) No
(Attach copy of Secretary of State Registration)

Name of Land Surveyor, Engineer, Architect or other Design Professionals. (attach list if needed)

_____ Phone: _____

_____ Phone: _____

What legal interest does the applicant have in property to be developed (ownership, owners representative, option, purchase & sales contract, etc?)

Lease - Since ~~2017~~ 2016
(Attach supportive legal documentation)

General Information

Aroostook County Registry Deeds: Book # 5496 Page # 213 (attach copy of deed)

What interest does the applicant have in any abutting property? owns property across Street

Is any portion of the property within 250 feet of the normal high water line of a lake, pond, river, or wetland or within 75 feet of any stream? (___) Yes (✓) No

Is any portion of the property within a Flood Hazard Zone? (___) Yes (✓) No

Total area or acreage of parcel: 1 Ac. Total area or acreage to be developed: N/A

Has this land been part of subdivision in the past five years? (___) Yes (✓) No

Identify existing use(s) of land (farmland, woodlot, residential, etc.) _____

Commercial

Indicate any restrictive covenants to be placed in the deed -- (Please attach list)

Does the applicant propose to dedicate any recreation area, or common lands? (___) Yes (✓) No

Recreation area(s) Estimated Area & Description: _____

Common land(s) Estimated Area & Description: _____

Anticipated start date for construction: month / year ___/___ Completion: ___/___

Does any portion of the proposal cross or abut an adjoining municipal line? (___) Yes (✓) No

Does this development require extension of public services? (___) Yes (✓) No

Roads: _____ Storm Drainage: _____ Sidewalks: _____ Sewer Lines: _____ Other: _____

Estimated cost for infrastructure improvements: $ 0.

Water Supply: Private Well: (✓) Public Water Supply: (___)

Sewerage Disposal: Private SSWD: (✓) Public Sewer: (___)

Estimated sewerage disposal gallons per day: (20 / day)

Does the building require plan review by the State Fire Marshal Office? (___) Yes (✓) No
(Attach Barrier free and Construction Permits from SFMO)

Have the plans been reviewed & approved by the Caribou Fire Chief? (___) Yes (✓) No

Does the building have an automatic sprinkler system? (___) Yes (✓) No

Does the building have an automatic fire detection system? (✓) Yes (___) No

Will the development require a hydrant or dry hydrant fire pond? (___) Yes (✓) No

Concept Plan Review Criterion

The Planning Board shall review applications first as a Concept Plan. Concept Plan Review is intended to insure the proposed plan is in conformance with the Caribou Comprehensive Plan and all City Ordinances. The completed application and concept plans shall be delivered to the Code Enforcement Office no less than 21 days prior to the first day of the next month. The

Chairman of the Planning Board shall determine the schedule and agenda of the next meeting when the application and plans will receive Concept Plan Review. At a minimum, Concept Plan applications shall include the following:

1. ___ Name and address of the owner of record and applicant (if different).

2. N/A Name of the proposed development and location.

3. ___ Names and addresses of all property owners within 500 feet of the property.

4. ✓ A copy of the deed to the property, option to purchase the property, or other documentation to demonstrate right, title, or interest in the property on the part of the applicant. [redacted] Leased 2016-Present

5. N/A Names and addresses of all consultants working on the project.

6. N/A 1 complete set of plans, 24" X 36" & 10 complete sets of plans, 11" X 17"
   Plans to be included:
   - Boundary Survey
   - Storm Water Management
   - Erosion and Sediment Control
   - Finish Grading Plan
   - Site Improvement Detail
   - Building Elevations and Structural Plans

7. **Plans to show the following elements for review:**

   N/A a. Graphic scale and north arrow.

   N/A b. Location and dimensions of any existing or proposed easements and copies of existing covenants or deed restrictions.

   N/A c. Name, registration number, and seal of the land surveyor, architect, engineer, and/or similar professional who prepared the Plan.

   N/A d. All property boundaries, land area, and zoning designations of the site, regardless of whether all or part is being developed at this time.

   ✓ e. Size, shape, and location of existing and proposed buildings on the site including dimensions of the buildings and setbacks from property lines. See attachment 100ft

   N/A f. Access for Emergency Vehicles, location and layout design of vehicular parking, circulation areas, loading areas, and walkways including curb cuts, driveways, parking space and vehicle turn around areas.

   N/A g. Location and names of streets and rights-of-way within 200' and adjacent to the proposed development.

   N/A h. Proposed finish grades and graphic arrows indicating the direction of storm water runoff.

   N/A i. Conceptual treatment of on and off site storm water management facilities.

   N/A j. Location and sizes of existing and proposed sewer and water services including connections.

   N/A k. Conceptual treatment of landscaping buffers, screens, and plantings.

✓ l. · Location of outdoor storage areas, fences, signage and accessory structures. using existing awning sign

N/A m. Context map illustrating the area surrounding the site which will be affected by the proposal including all streets, sidewalks, intersections, storm water drainage ways, sanitary sewer lines and pump stations, nearby properties and buildings, zoning Districts, and geographic features such as, but not limited to, wetlands, natural features, historic sites, flood plains, significant scenic areas, and significant wildlife habitats as provided in the Comprehensive Plan.

✓ n. · All proposed signage and exterior lighting including the location, size and wording of all signs, type of exterior lights, radius of light, manufacturer's specifications sheet, and the ground level intensity in foot- candles of all exterior lights. existing

Final Site Design Plan Requirements

Following approval of the Concept Plan Review, the Planning Board may by majority vote schedule the Site Design Application for Final Plan Review. Final Plan Review must be at least 30 days following Concept Plan Approval. If additional information is required by the Planning Board following the Concept Plan Review, a complete set of revised plans shall be provided for final review and approval. If additional information or a change of information is required, the revised plans shall be delivered to the Code Enforcement Office at least 21 days prior to the next scheduled meeting.

Final Site Design Plan Review shall require three (3) 24" X 36" sets of plans for Board Signatures.

If the Planning Board determines that third party review will be necessary to make a sound decision, the applicant will be responsible for any fees incurred for the third party review.

During the Final Site Design Review the Chairman or designee shall determine that all of the elements of review 7-a., through 7-n. above have been addressed. The chair may then call for a motion.

If the Final Plan is approved by the Planning Board, no work may commence for a period of 30 days following the date of approval.

Final Site Design Plans shall provide an area designated for all seven Planning Board members signatures.

Applicant Signature:

To the best of my knowledge, all of the information submitted in this application is true and correct.

Signature of Applicant: Kathy R Date: 10/13/2026

LEASE EXTENSION ADDENDUM

1137 Presque Isle Road, Caribou, ME 04736

This LEASE AGREEMENT (the "Lease") is dated as of October 31, 2016 between **OUELLETTE ENTERPRISES, LLC.**, a Maine limited liability company ("the Lessor"), and **SAFE ALTERNATIVES**, a Maine non-profit corporation (the "Lessee").

Lessor hereby agrees to extend the lease to Lessee and Lessee hereby agrees to lease from Lessor the Leased Premises described below in accordance with the terms and conditions hereinafter set forth in the Lease Terms dated October 31, 2016 in the building (the "Building") located at 1137 Presque Isle Rd, Caribou, Maine, consisting of +/- 1,200 square feet, with ancillary parking areas in the City of Caribou, Maine (the "Property").

1. **Property Name**: 1137 Presque Isle Road, Caribou, Maine.

2. **Base Rent**: Lassee agrees to pay the Lessor a Base rent of [redacted] per month, such rent commencing on November 1, 2024.

3. **Initial Extension Term**: Two (2) years, commencing on November 1, 2024.

    a. **Year ONE -** [redacted] per month
    b. **Year TWO-** [redacted] per month

4. **Updates to original lease agreement**: Lessee has agreed to take on all lawn and property maintenance for the term of this lease extension. This is inclusive of, but not limited to; lawn mowing, snow plowing, and driveway sanding.

5. **Lessee Termination Rights**: In the event there are changes in federal, state or local laws or regulations during the term of this lease extension that adversely affect Lessee's ability to operate business in the Leased Premises, Lessee shall have the option to terminate early, at any time following the enactment of such changes by providing Lessor with reasonable evidence of said changes in regulations. If Lessee elects to exercise this option, it shall provide Lessor at least ninety (90) days written notice thereof, which notice shall designate a date of termination, and the term hereof shall expire on such date, at which point this Lease shall terminate and be of no further force and effect.

6. **First Right of Refusal to Purchase**: Provided that Lessee is not then in default of this Lease, in the event that Lessor intends to list the leases premises for sale, Lessor first shall provide Lessee with the first right of refusal to purchase the premises with notice of the terms and conditions upon which Lessor is willing to sell the leased premises. There will be fourteen (14) day negotiation period and if no agreement is reached within that timeframe, the first right of refusal option shall automatically be deemed to be waived by Lessee.

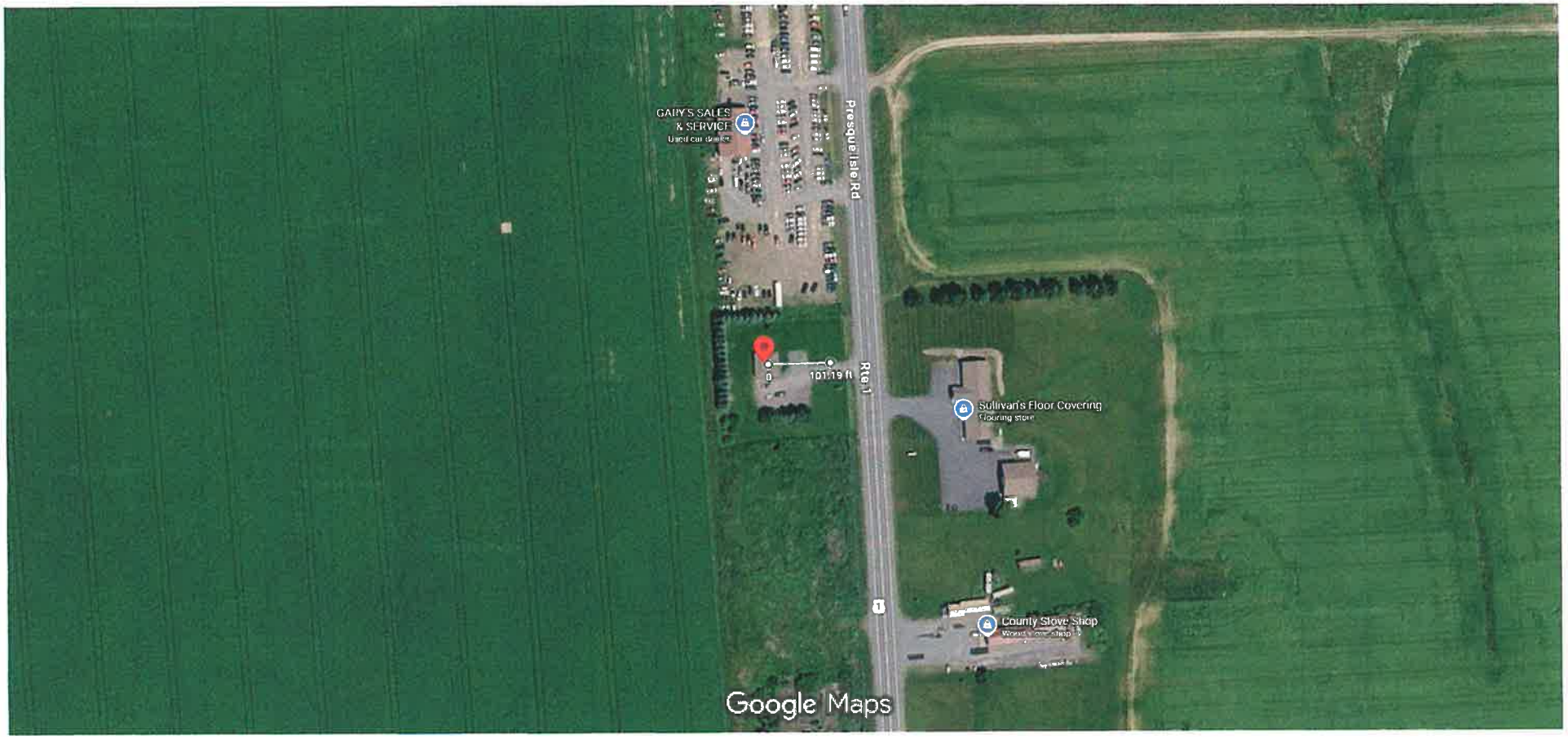
9/25/24

Lessor: Ouellette Enterprises, LLC Date

9/27/24

Lessee: Safe Alternatives Date

Google Maps 1137 Presque Isle Rd



Imagery ©2026 Airbus, Maxar Technologies, Map data ©2026 Google 100 ft

Measure distance
Total distance: 101.19 ft (30.84 m)

no residential dwellings within ~~100~~ 100 ft.

Google Maps 1137 Presque Isle Rd



Imagery ©2026 Airbus, Maxar Technologies, Map data ©2026 Google 50 ft

Measure distance
Total distance: 101.19 ft (30.84 m)

CARIBOU ECONOMIC DEVELOPMENT
25 HIGH STREET
CARIBOU, ME 04736

MEMO

TO: Caribou Planning Board
FROM: Eric Sanderson, Economic & Community Development Specialist
DATE: November 5, 2026
RE: Site Design Review Application – Registered Medical Cannabis Dispensary at 1137 Presque Isle Rd

Introduction

At its May 11, 2026 meeting, the Caribou City Council adopted new standards in Chapter 7 Licensing & Permits, and Chapter 13 Caribou Land Use Ordinance related to Registered Medical Cannabis Dispensaries and the requirements for licensing, zoning and Site Design Review for such establishments in Caribou. These were further revised, reviewed, and approved by the City Council based on the Planning Board's review in August of 2026 to reduce the buffer requirement to residential uses from 300 feet to 100 feet. That was approved by the City Council at its September 21st Regular Meeting.

Ms. Kayla Bosse has submitted a Site Design Review application for a Registered Medical Cannabis Dispensary located at 1137 Presque Isle Road for Safe Alternatives. The property is further identified as Map 002, Lot 048-C, and is in the RC-2 Zoning District.

Relevant Standards

The licensing process for Registered Medical Cannabis Dispensaries in Caribou outlined in Chapter 7 Licenses and Permits requires applicants go through Site Design Review with the Planning Board before licensing review with the ultimate permit authority of the City Council. The use is permitted in the R-3 Zoning District by Planning Board review, which further stipulates the necessity of this Site Design Review.

Use-specific standards include those outlined in Chapter 13-700.39 General Requirements for Land Uses, Registered Medical Cannabis Dispensaries. This requires a mandatory public hearing and abutter notification within 500 feet. Letters have been sent to abutters within 500 feet of the development notifying of this hearing, which are included as Attachment 1 of this memo. The Public Hearing notification in a newspaper of general circulation (The County) is included as Attachment 2. The Agenda for the meeting was posted in the Municipal Building and the Caribou Public Library. The location is not within 100 feet of an existing residential dwelling per 13-700.39(7)(2)(b) or in a Drug Free Zone.

Staff Comments

The applicant should be prepared to speak to the compliance with State Laws and Security Requirements referenced in Chapter 13.

Conclusion

The Planning Board must open the Public Hearing to receive public comment and then conduct its Review. If the application is approved, it would be reviewed by the City Council and the inspection process outlined in 13-700.39 completed by the CEO, Police Department, Fire Department and other municipal authorities as may be required.

Attachments

Attachment 1 – Abutter Notice

Attachment 2 – Notice of Public Hearing in Newspaper (The County).

Municipal Building
25 High Street
Caribou, ME 04736
Telephone (207) 493-3324
Fax (207) 498-3954
www.cariboumaine.org

NOTICE OF APPLICATION FOR SITE DESIGN REVIEW

Date: Oct 26,2026

To: Property Owners within 500 feet of 1137 Presque Isle Rd,

NOTICE IS HEREBY GIVEN that an application for **Site Design Review** has been submitted to the City of Caribou for review under **Sec. 13-300 (Site Design Review Ordinance)** of the Caribou Land Use Ordinances.

Project Description
This public hearing is required per initial licensing requirements for Registered Medical Cannabis Dispensaries under Chapter 7, Art. XI, in conjunction with the proposed site design review at the above referenced property.

Meeting Details & Public Comment
The Planning Board will review this application at an upcoming meeting:

- **Date:** November 12, 2026
- **Time:** 6:00 PM
- **Location:** Caribou City Council Chambers, City Hall, 25 High Street, Caribou, ME 04736
- **Purpose of Meeting:** Public Hearing

Opportunity for Review & Public Comment

- **Application Access:** Copies of the application, site plans, and supporting documentation are available for public inspection during regular business hours at the Code Enforcement Office, Caribou City Hall, 25 High Street, Caribou, Maine.
- **Written Comments:** Written comments regarding this proposal may be submitted prior to the meeting by mail or email to:
  - **Mail:** Code Enforcement Office, City of Caribou, 25 High Street, Caribou, ME 04736
  - **Email:** Tim St. Peter (tstpeter@cariboumaine.org) or
    Eric Sanderson (esanderson@cariboumaine.org)

If you have any questions or require additional information, please contact the Code Enforcement Office at (207) 493-3324, or via email at tstpeter@cariboumaine.org or esanderson@cariboumaine.org.

Sincerely,

Tim St Peter

Code Enforcement Office
City of Caribou, Maine

CYR MANAGEMENT
is accepting applications for 1 and 2 bedroom apartments for the following locations:
Applewood Apartments
7 Willimantic Ct., Presque Isle, ME.
Birchwood Apartments
10 Coventry Ct., Presque Isle, ME.
Woodland Terrace
14 Dewberry Dr., Presque Isle, ME.
Windermere Apartments
2 Windermere Rd., Easton, ME.
Income limits do apply
For more information, please call 207.764.6333
TTY 711
"This institution is an equal opportunity provider and employer"

FOR RENT
1 bedroom apartment, 3/4 furnished, all utilities included. Private parking, in residential area in Limestone. Call 325-4948

HOULTON QUALITY HEATED APARTMENTS
Conveniently located in downtown area. To see available units go to broadwayrents.com

NORTH RIDGE APARTMENTS
Caribou, ME

IMMEDIATE 2 bedroom vacancies

North Ridge offers such amenities as on site coin-op laundry, with all new washing machines, individual entrances, country setting and a large open area with a playground. All utilities included. Some units offer private balconies, non smoking and smoking buildings.

*We currently have one ground floor unit that is partially handicap accessible.

Section 8 vouchers are accepted.

Income limits apply.

Call Kyle, Karen or Kelly at Maine Development Associates 1-800-639-1747

Applications can also be printed from our website mainedevelopment.com.

Equal Housing Opportunity

RLW MANAGEMENT, INC. is a professional property management company. We offer 1, 2, 3 bedroom apts. & homes in CARIBOU when available. Some units are subsidized, as well as designed for person(s) with disabilities. All of our units include amenities such as garbage removal, lawn care, snow removal & 24 hour maintenance at very competitive rates. Most units include heat & hot water. We accept Section 8 & other Housing Vouchers. Please call 207-498-3097 for availability. TTY Dial 711. Equal housing and employment opportunity.

Rooms for Rent

PRESQUE ISLE - 1, 2 AND 3 BEDROOM HOUSES FOR RENT
References and Security deposit required. Call for more info 764-3473 EHO.

ROOMS FOR RENT
We have 4 locations in PRESQUE ISLE. Room prices are $95 and up per week. EHO 764-3473.

Wanted

WANTED
Used motor oil, hydraulic oil, ATF, vegetable oil, call 757-8594.

Yard / Garage Sale & Fundraising

PRESQUE ISLE MOVING SALE
42 Midway Dr. (street across from NMCC entrance). 16", 17", 18" tires - like new; 2 electric snowblowers -like new; misc. household items; Cub Cadet riding lawn mower; 9'x10' storage shed. All week 9am-5pm.

VIEW MORE CLASSIFIEDS ONLINE at classifieds.thecounty.me

Legal Notices

LEGAL NOTICE OF PUBLIC HEARING
CITY OF CARIBOU

The City of Caribou Planning Board will hold two public hearings on Thursday, November 12th, 2026 at 6PM during its regularly scheduled meeting. The hearings will be held at the Caribou Municipal Building located at 25 High Street, Caribou, Maine.

- To review the Site Design Review application of Derrell Richardson for a Registered Medical Cannabis Dispensary at 9 Bog Road pursuant to Chapter 13 Land Use Ordinance of the City of Caribou
- To review the Site Design Review application of Safe Alternatives for a Registered Medical Cannabis Dispensary at 1137 Presque Isle Road pursuant to Chapter 13 Land Use Ordinance of the City of Caribou

Materials for the meeting may be accessed in the City Clerk's office and on the City's website at https://www.cariboumaine.org. Applications are available for public inspection during regular business hours at the Code Enforcement Office. For additional information relating to the applications, please contact Eric Sanderson, Economic & Community Development Specialist at (207) 498-5096 or esanderson@cariboumaine.org.

November 4, 2026

Legal Notices

PLEASANT LAKE PHASE 1 TRAILS PROJECT

Northern Border Regional Commission project: GT-25FAC-00002

Maine Trails Program project: MTP25111

The project includes construction of approximately eight (8) miles of singletrack trails.

Email Steve Kasacek (steve@outdoorsi.org) for a copy of the RFP.

November 4, 2026

C HEARING
OU

l a public hearing, 00 pm in the City gh Street, Caribou,

Ordinance to make Acquired Property"

to attend.

8, November 4, 2026

ng to say you?

Phone: 207-990-8128

Legal Notices

TOWN OF PORTAGE LAKE
NOTICE OF PUBLIC HEARING

The Town of Portage Lake Planning Board shall hold a Public Hearing on Thursday, November 12th, at 6:30 PM in the Town Hall, 20 School Street, Portage Lake, ME.

The purpose of this meeting is to hear public comments on a proposed Solar Ordinance. A copy of the ordinance is available at the town hall.

The Public is invited to attend.

November 4, 11, 2026

PLACE YOUR AD
207-990-8020

COMMERCIAL LOT
FOR SALE BY OWNER
355 North St., Houlton, ME
Septic: 2005 install
Septic: 2024 Inspec.
Shallow well
Dimensions 150' X 150'
Zoned: BB
DOT est. 5000 vehicles/day
$265K w/ owner financing
651-340-5800

THE MONTHLY MEETING OF THE CARIBOU UTILITIES DISTRICT WILL BE HELD TUESDAY, NOVEMBER 10, 2026 IN THE CITY OF CARIBOU, COUNCIL CHAMBERS, LOCATED AT 25 HIGH STREET, CARIBOU, MAINE BEGINNING AT 5:30 P.M.
Published November 4, 2026

Legal Notices

WN MEETING WARRANT
vember 12, 2026

Town of Frenchville in the County of Aroostook, State

re hereby required to notify and warn the voters of the tate, qualified by law to vote in town affairs, to meet at id town on Thursday, the 12th day of November, 2026 re to act on articles numbered one thru all said articles

FOR RENT

THE COUNTY
The County Classifieds Deadlines:

Liners & Non-Legal Classifieds:	Legals and Obituaries:
4 p.m. Friday prior to publication date	8:30 a.m., Wednesday prior to publication date

Questions? Contact us at:
classifieds@bangordailynews.com

CARIBOU ECONOMIC DEVELOPMENT
25 HIGH STREET
CARIBOU, ME 04736

MEMO

TO: Caribou Planning Board
FROM: Eric Sanderson, Economic & Community Development Specialist
DATE: November 5, 2026
RE: Workshop on Updates to Chapter 13 Zoning All Sections

Introduction

At its August 20, 2026 meeting, the Planning Board voted to hold a workshop on updates to the Zoning Ordinance. Staff incorporated changes to the first two main sections of the Zoning Ordinance – Section 13-100 on Legal Status Provisions for the Zoning, Site Design Review, and Subdivision Ordinance (Planning Board Administration etc.) as well as Section 13-200 Zoning and Land Use Regulations, which prescribes the establishment of districts, Land Use Table, Zoning Map and Dimensional Requirements (space & bulk table). This was reviewed at the September 10, 2026 Planning Board meeting, and during that Meeting the Board voted to host a workshop at its October 8th meeting to review changes to the entire document. Another review of the ordinance is included for the November 12th regular Planning Board meeting. Durin the last review in October the Board requested space and bulk requirements for the Riverfront Districts and the definitions be updated to match the proposed Land Use Table. The changes discussed on October 8th, as well as those updated between October and November meetings are summarized below:

Key Update Summary by Section

Section 13-100 Legal Status Provisions for the Zoning, Site Design Review, and Subdivision Ordinance

1. Updated numbering as the existing ordinance had incorrect sequential numbering
2. Zoning Amendment process updated to allow written petition to City Council by 10% of votes cast in last gubernatorial election
3. Reorganize and update City Council Public Hearing process (notice locations, majority vote of City Council, etc.)
4. Update votes to be allowed by members joined by video conferencing.
5. Clarify the Planning Board has authority to obtain goods and services necessary to its proper function (engineering/design review for applications at applicant expense, trainings, etc. as allowed by the adopted Caribou City Budget).
6. Update Planning Board meeting organization and allow agenda to be set by staff
7. Board of Appeals is updated to set its agenda as necessary

Section 13-200 Zoning and Land Use Regulations

1. Zoning Map Updated to replace RC-2 District with Mixed Use (MU) District in the areas of southern Route 1 from Dow Siding to near Doyle Road. The areas currently zoned as C2 Commercial on South Main Street and Fort Street are also changed to this MU zoning district to allow for more flexibility and transitional areas between Caribou's residential and commercial districts. Where this area is currently zoned C2 commercial it would encourage additional housing creation and residential uses.
2. Removal of I-2 Industrial district and consolidation into I-1 District
3. Addition of Airport District for the Caribou Municipal Airport (KCAR)
4. Addition of six (6) Riverfront Development Districts based on recommendation from Caribou Riverfront Redevelopment Committee (CRRC)

a. **NOTE – the CRRC did not come up with minimum lot size, frontage requirements, or setbacks for these zones so the Board will need to discuss this. Staff have summarized the impacted lots below as well as some considerations on the Board for the space and bulk for these districts:**

Proposed Zoning District	Existing Max Lot Size (Acres)	Existing Min. Lot Size (Acres)	Existing Average Lot Size (Acres)
RF-1	9.15	0.2	1.9
RF-2	2.21	0	0.7
RF-3	13.3	0.1	1.0
RF-4	3.93	0.07	0.5
RF-5	30	0.5	14.9
RF-6	74.74	0	17.2

The Draft of the Riverfront Master Plan recommends updating the RF-4 zone area to a mix of RF-1 and RF-2, as it contains much of the Riverfront's residential and former commercial areas (including the Diesel and Steam Plant, residential areas along Patten Street and Lower Lyndon Streets, as well as the Lyndon Street boat launch). If updated from the existing draft Zoning Map, the zoning would be congruent from the former Power Plants sites up to Otter Brook, and leave the more sparse lots towards Dow Siding and Prestile Brook, which is more flexible for a range of commercial uses. Staff has suggested the two major districts – RF -1 (direct riverfront access targeted for open space) and RF-2 (targeted for access and commercial uses) each have distinct lot sizes. RF-1 is proposed to have no minimum lot size, similar to the C-2, and the RF-2, to incentivize commercial development is targeted to have smaller lot size such as 30,000 square feet. Alternatively, the Board could discuss a Riverfront Overlay zone for these districts or move to a form based-code in this area to incentivize development in these two major zones along the Caribou Riverfront. The districts designed for more sparse development (RF-5 and RF-6) have lot sies similar to the MU. The 1 acre lot size may be high, but it is intended to generate discussion. Again, a form based code or overlay could be designed for these areas or no minimum lot size set altogether, similar to what is currently done for the C-2.

5. Remove General Requirements for Specific Districts for R-1, R-2, and RC-2, and update Land Use Review Table from "CEO, PB, and NO" to "Permitted, Conditional (Planning Board/CEO Review) and Not Permitted". This allows flexibility to determine review authority between Planning Board and CEO based on the development size and intensity of the use outlined in the Site Design Review section of the Ordinance.
6. Land Use Table completely updated, including updating recent adoptions of City Council related to Registered Medical Cannabis Dispensaries
    a. **NOTE – The existing approved Zoning and Land Use Table requires Planning Board review in the R3 and RC-2 zones for this use. This has been continued to the R-3 and new MU Mixed Use zoning district that replaces the RC-2, however the area of the MU zone is also expanded to South Main Street and Fort Street, so the Board should consider this impact. Currently only two licenses are allowed but if this is ever expanded consideration should be given to zoning in the area of South Main Street and Fort Street.**
    b. **"Data Center/Processing Facility" is a conditional use in the R-3 and MU-1 zones, and Permitted in C-1, C-2, H-1, and the RF-6.**
7. Remove "Lot" related definitions from 13-205 Dimensional Requirements to 13-900 Definitions

Section 13-300 Site Design Review Ordinance

1. Noticing is shifted from the responsibility of the City Clerk to the CEO or their designee

2. Fees for review are referred to the fee schedule set by the City Council
3. Noticing in local newspaper still required but physical posting reduced from 2 places to 1
4. The applicant is no longer responsible for providing abutter lists within 500 feet of a development for concept plans, as this is done by staff
5. Revisions to approved site plans require public hearing per the Site Design Review Ordinance process
6. Digital copies of approved plans are required

Section 13-400 Subdivision Ordinance

1. Contour intervals required at preliminary plan, as opposed to determined whether or not necessary at pre-application stage
2. Fees for review are referred to fee schedule set by the City Council
3. Abutter notification changed from City Clerk to CEO or their designee
4. Electronic copies required in submission five days in advance instead of seven days in advance
5. "Northern Registry of Deeds" language updated to "Southern"
6. Manufactured Housing Ordinance changed to Mobile Home Parks

Section 13-500 Shoreland Zoning Ordinance – No Change

Section 13-600 Flood Hazard Area Regulations – No Change

Section 13-700 General Requirements for Land Uses

1. Removal of requirement each dwelling unit requires 500 square feet of private fees adjacent to each unit
2. Repeal of Campground and/or RV Park standards and refer to State Statute and MaineHHS instead
3. Clarification on definitions of Kennels
4. Signage standard language by zones updated from RC-2 to MU and removal of I-2 sign standards
    a. **Note: Does the Planning Board wish to implement signage standards for Riverfront Development Districts**?
5. Updated 13-700.39 for Registered Medical Cannabis Dispensaries as approved by the City Council on May 11, 2026 and September 21, 2026. Since these are already approved it is not redlined besides the RC-2 to MU language (See bolded note on page 1 under 13-200 on this)
6. Repeal of 13-700.41 Prohibiting Recreational Marijuana per City Council action May 11, 2026
7. Update parking requirements to require less parking for several uses
8. Add definition for Automobile Recylcers and include with 13-720 Automobile Graveyards and Junkyards
9. Update 13-760 Daycare facilities and definitions to read "Day Care" instead of "Daycare", including provisions in the MU zone instead of RC-2.
10. Telecommunication facilities "priority of location" standards updated to remove new facilities on public or private property in a Rural District and permitting such uses in the Industrial zones

Section 13-800 Repealed by City Council on June 14, 2021 (and standards mostly re-located to 13-100)

Section 13-900 Definitions

1. Relocated definitions related to "Lots", "Agricultural Products, Processing, and Storage", "Automobile (Vehicle) Recycling Business",

2. Definitions have been added to match the land use table for uses that were not defined in the existing Zoning Ordinance, as requested by the Board. These include:
    a. Adult Entertainment
    b. Agriculture – Animals
    c. Agricultural products, processing, and storage
    d. Amphitheater/Concert Venue (Outdoor)
    e. Antique Sales
    f. Assembly and Packaging Facility
    g. Bakery
    h. Building Materials
    i. Bulk Grain Storage
    j. Bulk Oil or Gas Terminal
    k. Cemetery – Pet
    l. Conference Event Center
    m. Construction Business
    n. Convenience Store
    o. Correction/Detention Facility
    p. Data Center
    q. Day Care Facility
    r. Day Care Facility – Family
    s. Day Care Facility – Group
    t. Dumpster - Roll Off
    u. Dwelling – Tiny Home
    v. Fire, Ambulance, or Police Station
    w. Library/Museum
    x. Livestock and Poultry (both Commercial & Personal Use as two separate definitions)
    y. Microbrewery
    z. Newspaper or Printing Plant
    aa. Public Parking Facility (both open and enclosed as two separate definitions)
    bb. Racetrack – Outdoor
    cc. Retail Business with Outdoor Sales or Service
    dd. Sawmill (both commercial and private as two separate definitions)
    ee. Septage Spreading or Storage
    ff. Sidewalk Vendor
    gg. Sludge Spreading or Storage
    hh. Sporting Camp
    ii. Swimming Pool – Commercial/Public

The Board should carefully review the definitions as proposed, as they have been taken from Maine State Statutes and other municipalities as examples, so if specifics need to be updated based on existing conditions in Caribou this should be noted. Staff have provided the redline copy of the entirety of Chapter 13 Land Use Ordinance for the Board's review.

Conclusion

If at conclusion of the workshop, the Board is satisfied with the redlines, or wishes to move forward with amendments discussed, a public hearing can be schedule for incorporating the proposed ordinance language. Alternatively, further workshops can be scheduled to allow additional review time should the Board see it fit.

Attachments

Attachment 1 - Updates to Chapter 13 Land Use Ordinance

The Land Use Ordinances of the City of Caribou
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The Land Use Ordinances of the City of Caribou.

Sec. 13-100 Legal Status Provisions for the Zoning, Site Design Review, and Subdivision Ordinances.

1. Title.
The Zoning Ordinance, Site Design Review Ordinance, and the Subdivision Ordinance collectively shall be known and may be cited as the "Land Use Ordinances of the City of Caribou" or (herein "these Ordinances").

2. Purposes.
The purposes of these Ordinances are to:

A. To provide for the municipal review of development that could impact on the environment and the community,
B. Assure the comfort, convenience, health, safety, and general welfare of the residents of Caribou,
C. Encourage appropriate use of land throughout the City,
D. Promote traffic safety,
E. Prevent overcrowding of real estate,
F. Prevent development in unsuitable areas,
G. Provide an allotment of land area in new developments sufficient for all the requirements of community life,
H. Conserve and protect where necessary natural resources and City character,
I. Provide for adequate public services and facilities as an integral part of Caribou development,
J. Protect archaeological and historic resources, freshwater wetlands, fish spawning grounds, aquatic life, bird and other wildlife habitat, and buildings and lands from flooding and accelerated erosion,
K. Conserve shore cover, natural beauty, open space, and visual as well as actual points of access to inland waters,
L. Prevent and control water pollution,
M. Assure new development meets the goals and conforms to the policies of the Caribou Comprehensive Plan,
N. To provide local protection from those particular issues and nuisances which are not governed by State law or regulation,
O. To balance the rights of landowners to use their land with the corresponding right of abutting or neighboring landowners to live without undue disturbance from nuisances such as noise, smoke, dust, odor, glare, traffic, stormwater runoff, or the pollution of ground or surface waters,
P. To reduce the off-site problems associated with development, thereby decreasing the cost of maintaining or improving municipal services,
Q. Provide for an expeditious and efficient process for the review of proposed development; and
R. To clarify the criteria of the state Subdivision Law, Title 30-A, MRSA, Sections 4401-4407 et seq.

~~1.~~3. Authority.
These Ordinances have been adopted in accordance with the provisions of Article VIII-A of the Maine Constitution; the provisions of MRSA Title 30-A, Sections 3001 (Home Rule) and 4401 et seq. (Subdivisions), and the State's Growth Management Law MRSA Title 30-A, §4312 et seq.; as may be amended.

~~2.~~4. Repeal of Prior Ordinances.
All prior Zoning Ordinances, Site Design Review Criteria/Ordinances, and Subdivision Ordinances/Regulations, except for the Shoreland Zoning Ordinance of Caribou, are repealed as of the effective date.

~~3.~~5. Effective Date.
These Ordinances shall take effect and be in force from the effective date pursuant to Section 2.12(d) of the Caribou City Charter.

~~4.~~6. Conflict with Other Laws.
Ordinances shall be interpreted at face value. Whenever the requirements of these Ordinances are at difference with the requirements of any other lawfully adopted rule, regulation, ordinance, or resolution, the most recently adopted provision shall be utilized. If the regulations were adopted at the same time, then the more restrictive or that imposing the higher standards shall govern. If a question should arise as to the interpretation of a regulation, such shall be referred to the Planning Board for consideration who will then make a determination of intent and applicability but shall not waive or modify the regulation without completing processing outlined for amendments in paragraph 9 below.

~~5.~~7. **Severability.**

Should any Section (§), subsection (§§), or provision of these Ordinances be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of these Ordinances as a whole or any part thereof other than the part so declared to be unconstitutional or invalid. ~~The municipal officers of the city hereby declare that it would have passed this ordinance on each part, section, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more portions thereof be declared invalid.~~

~~6.~~8. **Availability.**

A certified copy of these Ordinances shall be filed with the City Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the Person making the request. Notice of availability of these Ordinances shall be posted.

~~7.~~9. **Amendments**

A. Initiation. An amendment to these Ordinances may be initiated by the Planning Board, by majority vote of the Board; City Council through a request to the Planning Board; ~~or~~ A~~a~~n individual, through a request to the Planning Board; or, written petition to the City Council of a number of voters equal to at least 10 percent of the number of votes cast in the City at the last gubernatorial election.~~.~~

B. Procedure. Any proposal for an amendment shall be made to the Planning Board in writing stating the specific changes requested. When a change in zoning boundaries is proposed, the application shall state the nature, extent, and location of the boundary change proposal, and shall be accompanied by a scale drawing showing the areas to be changed, with dimensions. When an amendment is proposed by other than the City Council or the Planning Board, a fee, as set by the City Council in the city's fee schedule, shall accompany the proposal to cover the costs of hearings and advertisements and staff processing time.

C. Process for Adoption of Amendments.

1. Within thirty (30) days of receiving an amendment request, the Planning Board shall hold at least one public hearing on the proposed amendment, and unless the amendment has been submitted by the City Council or by a petition, the Board shall vote whether to forward the amendment to the City Council. The Board shall make a written recommendation regarding passage to the City Council prior to any action on the amendment by the City Council. ~~The first public hearing shall be preceded by notice in accordance with Section 13-110.5 and include sufficient detail about the proposed changes as to give adequate notice of their content. If the proposed changes are extensive, a brief summary of the changes and an indication that a full text is available at the City Clerk's office shall be included in the notice.~~

~~2. After receiving public comment, the Board shall, within 60 days make a written recommendation regarding passage of the amendment to the City Council. Such recommendation shall include the original request and any Board recommended changes prior to any action on the amendment by the City Council.~~

~~3.~~2. The City Council shall hold a public ~~meeting~~ hearing on the proposed amendment. Notice of the hearing shall be posted at three (3) prominent locations throughout the City at least seven (7) days prior to the hearing. The notice shall contain the time, date, and place of hearing, and sufficient detail about the proposed changes as to give adequate notice of their content. If the proposed changes are extensive, a brief summary of the changes, together with an indication that a full text is available at the City Clerk's office shall be adequate notice. ~~and may conduct a public hearing if desired. Public Hearing notices shall be in accordance with paragraph 1 above.~~

~~4.~~3. An amendment must be adopted by a majority vote of the City Council if the proposed amendment is recommended by the Planning Board; or Two/thirds (2/3) majority vote of the City Council if the proposed amendment is not ~~by ordinance and shall be effective upon posting of the ordinance in three public places or as otherwise provided in the adoption language.~~

D. Repetitive Petitions. No proposed change in these Ordinances which has been unfavorably acted upon by the City Council shall be considered on its merits again by the City Council within one (1) year after the date of such unfavorable action, unless adoption of the proposed change is recommended by unanimous vote of the Planning Board.

Historical Note: Sec. 13-100 as amended June 14, 2021.

Sec. 13-110 Planning Board.

1. **Appointment**.
   A. Planning Board members shall be appointed by the City Council and sworn in by the City Clerk or other person authorized to administer oaths.

   B. The Board shall consist of seven (7) members. Neither a municipal officer nor his/her spouse may be a member of the Board.

   C. The term of each member shall be three (3) years, except the initial appointments which shall be: 2 for one year, 2 for two (2) years, 3 for three (3) years.

D. When there is a permanent vacancy declared, the City Council may within sixty (60) days of its occurrence be required to appoint a person to serve for the unexpired term. A vacancy may be declared by the voting members of the Board upon the resignation or death of any member, or when a member ceases to be a voting resident of the City, or when a member fails to attend three (3) consecutive meetings, or fails to attend at least 75 percent of all meetings during the preceding twelve (12) month period. When a vacancy is declared, the Chair of the Board shall immediately so advise the Council in writing. The Board may recommend to the Council that the attendance provision be waived for cause, in which case no vacancy will then exist until the Council disapproves the recommendation.

E. Any member can be removed by the City Council in accordance with the Caribou City Charter.

F. Planning Board members are expected to be knowledgeable of laws, ordinances, regulations, and Board policies and to abide by them.

2. **Organization and Rules**.

A. The voting members of the Board shall elect a Chair, and Deputy Chair, or other officers as needed, from among its members by a majority vote and create and fill such other offices as it may determine at the annual organizational meeting which shall be held on the first regular Planning Board meeting in January, and the election shall follow immediately thereafter. The term of all offices shall be (1) year(s) with eligibility for reelection.

1. The Chair shall preside at all meetings and hearings of the Planning Board. The Chair has the authority to appoint all committees, to call all work sessions and special meetings and to preside over executive sessions.
2. The Board shall keep a record of all documents and proceedings in accordance with Maine Public Records statutes.
3. The CEO or other designated city staff shall be responsible for posting agendas, distributing notices of meetings and hearings, managing correspondence with the Board, managing records and other duties as may be necessary for the Board to accomplish its duties in accordance with the city charter and state statutes.

B. Quorum. No meeting of the Board or official business shall be ~~held~~ conducted without a quorum present which shall consist of at least four (4) members. A quorum shall not include anyone who cannot participate due to a conflict of interest. "Conflict of interest" means direct or indirect pecuniary interest, which shall include primary benefit to any member of the person's immediate family, his/her employer, or the employer of any member of the person's immediate family. It also shall include a situation where the Board member, by reason of his/her interest, is placed in a situation of temptation to serve his/her own personal interest, instead of the public's interest. In the event a quorum is not present at a meeting, the present Board members are authorized to request that the Chair reschedule the meeting to another date and adjourn the meeting.

C. Votes. All decisions and recommendations of the Board must receive at least four consenting votes amongst the voting Board members. Board members must be physically present or present via video or conference calling technology in the meetings to vote. ~~Any question of whether a member shall be disqualified from voting on a particular matter due to a conflict of interest shall be decided by a majority vote of the members, except the member who is being challenged.~~

~~C.~~D. Rules. Planning Board business shall be conducted in accordance with the Maine Revised Statutes Annotated and/or local ordinances. The Board shall adopt rules for transaction of business.

3. **Duties and Powers**. The Board shall perform such duties and exercise such powers as are provided by ordinance/regulations and charter and the laws of the State of Maine, to include:

- a. The responsibility for the directing and overseeing the activity of the comprehensive planning program,
- b. Reviewing subdivision proposals for consistency with the municipal plan,
- c. Facilitating the interpretation of land use ordinances,
- d. Administering and issuing permits pursuant to land use ordinances,
- e. Projecting a course, through community planning, for the City's future,
- f. Undertaking duties to conduct community planning activity,
- g. Conducting a municipal planning program,
- h. Seeing that all Planning Board members have an obligation to act reasonably and promptly,

- i. Facilitating and obtaining public participation, awareness, and involvement in the community plan and development review processes.

The Board may obtain goods and services necessary to its proper function within the limits of the approved City of Caribou Expense budget. This includes use of independent technical consultants at the applicant's expense if the Planning Board deems such services necessary for adequate review of an application.

4. **Meeting Organization**.

A. Regular Meetings.

1. Regular meetings of the Planning Board will be scheduled during the Annual Meeting. The Board shall hold at least one regular meeting of the Board each month, unless voted on otherwise by a majority of the board. The meeting shall be at the Caribou Municipal Building or other suitable meeting place. If there is no business scheduled at least seven (7) calendar days before the meeting the Chair, in consultation with the CEO, may cancel the meeting and shall inform the Planning Board, City Manager, and the media of such.
2. All meetings shall be open to the public except as provided for executive sessions under Maine Revised Statutes.
3. All comments addressed to the Board shall be made through the Chair.
4. All decisions must be based on whether the applicant has provided sufficient evidence to prove that the application complies with all applicable law and ordinance requirements or will comply with established development review procedures.

~~4.~~5. All matters shall be decided by a roll call vote. A majority of the entire Board's voting members is needed to pass a motion. When a motion result sin a tie vote, the Chair of the Board shall vote to break the tie.

~~5.~~6. All meetings shall be conducted in accordance with Robert's Rules of Order or as provided in this ordinance or procedural bylaws as may be adopted by the Board.

B. Special Meetings. The Chair may schedule special meetings on 24-hour notice to the Planning Board members, City Manager, CEO, and the media. All regular meeting rules shall apply.

C. Agendas.

1. ~~Meeting agendas shall follow the following format:~~The format of the agenda may be set by staff
   ~~a. Call to order and determine the presence of a quorum.~~
   ~~b. Public Forum~~
   ~~c. Minutes of the previous meeting and correspondence.~~
   ~~d. Public Hearing (if any is scheduled)~~
   ~~e. Old business.~~
   ~~f. New business.~~
   ~~g. Other.~~
   ~~h. Adjournment.~~
2. Agendas shall be posted in the City Office and delivered to the Board members at least seven (7) days before the meeting.
3. Complete permit applications received at the City Office Planning and Code Enforcement department at least ten (10) days prior to the next scheduled Board meeting shall be placed on the agenda, and the applicant shall be notified of the date and time. The CEO shall determine whether the application is complete before placing the application on the agenda.

D. Work Sessions.

1. The Chair may, with the approval of the majority of the Board, call work sessions for the purpose of updating the Comprehensive Plan, Subdivision Ordinance, Zoning Ordinances, Planning Board by-laws, and other information work items relating to the Board's Activities, providing that the public is notified. A quorum shall be present to conduct any business.
2. Work sessions are open to the public. The general public shall be barred from addressing the Board, unless a majority of the Board permits the public to speak.
3. No final action on an application may be taken during a work session.

E. Executive Sessions.

1. No topics may be discussed in executive session unless expressly authorized by Maine Statutes Title 1 Section 405.

~~E.~~2. Within the Executive Session, it shall be the Chair's responsibility to ensure that only business for which the session was called will be discussed, and no official action will be taken. ~~Upon the vote of at least 3/5 of the Board members, present and voting, the Board may call for an Executive Session in accordance with Maine Revised Statutes.~~

5. Hearings.

A. The Board, by majority vote at a regular or special meeting, may schedule a Public Hearing on an application within the time limits established by state law or local ordinance.

B. City staff shall provide notice of any public hearing.
   1. Notices shall include the date, time, and place of such hearing, the location of the proposed building or lot, and the general nature of the development or use request.
   2. Notices shall be given to the Person submitting the application, the City Council, and the owners of lands abutting the subject property.

3. Notices shall be posted in three (3) prominent locations throughout the City and on the city's website at least seven (7) days prior to the hearing.

C. The Board may omit from consideration any irrelevant, immaterial, or unduly repetitious evidence presented during a hearing.

D. Order of Business at a Public Hearing.
1. The Chair invites any interested parties to sign a potential speaker roster prior to starting the hearing.
2. The Chair calls the hearing to order and then describes or has the CEO describe the purpose of the hearing, the nature of the case, and the general procedures to be followed.
3. The Board decides whether the applicant has sufficient right, title, or interest to appear before the Board.
4. The Board determines whether it has jurisdiction over the application.
5. The Board determines which individuals attending the hearing are interested parties and who have signed in to speak. Parties may be required by the Board to consolidate or join their appearances in part or in whole if their interests or contentions are substantially similar and such consolidation would expedite the hearing. Interested parties are required to state for the record their name, residence, business or professional affiliation, the nature of their interest in the hearing, and whether or not they represent another individual, firm, association, organization, partnership, trust, company, corporation, state agency, or other legal entity for the purpose of the hearing.
6. The Chair gives a statement of the case and incorporates into the record correspondences and reports filed with the Board prior to the hearing. This material shall be available for public inspection at the beginning of the meeting.
7. The applicant is given the opportunity to present his/her case without interruption.
8. The Board may ask questions of the applicant through the Chair.
9. Interested parties are given the opportunity to present their testimony and pose additional questions for the Board to consider, starting with proponents and followed by opponents. The Board may call its own witnesses or consultants, including the CEO, industry or technical experts, or other individuals who may contribute additional insight into any aspect of the application.
10. The Chair may allow the applicant to ask questions of the interested parties and Board witnesses directly.
11. The Chair shall give all parties the opportunity to refute or rebut statements made throughout the hearing.
12. The Board shall receive comments and questions from all observers and interested citizens who wish to express their views.
13. The hearing is closed after all parties have been heard and provided the opportunity to refute or rebut statements of interest. If additional time is needed, the hearing may be continued to a later date. If continued, all interested parties shall be notified of the date, time, and place of the continued hearing, and the reasons for the continuance.
14. The Chair may permit persons participating in any hearing pursuant to these by-laws to file written statements with the Board for inclusion in the record after the conclusion of the hearing. Such written statements shall be submitted to the CEO within five business days of the close of the hearing.
15. The Board and its consultants have the right to prepare findings and conclusions at the conclusion of any public meeting, prior to the decision being finalized.

6. **Decisions**.

A. Decisions by the Board shall be made within the time limits established by state law and local ordinances and regulations.

B. The final decision on any matter before the Board shall be issued as a written order signed by the Chair. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, and signed minutes of the meetings/hearing shall constitute the record. All decisions shall become a part of the record and shall include a specific statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law, or discretion presented and the appropriate order, relief or denial therefore. At a minimum, the record should state specifically that the applicant has/has not met all applicable state statutory requirements, all applicable City ordinances and regulations, and those legal documents shall be referenced specifically.

C. The Board, in reaching a decision, shall be guided by standards specified in the applicable statute, ordinance, or regulation as well as by community goals and policies outlined in the City's Comprehensive Plan, and by the findings of the Board in each case.

D. Notice of any decision, including the findings and conclusions/minutes, shall be sent by mail or hand delivered to the applicant and/or the applicant's representative or agent within fourteen (14) days of being rendered.

E. Decisions of the Board shall be filed immediately in the office of the City Clerk and entered into the public record. The date of filing of each decision shall be entered in the official records and minutes of the Board.

7. Appeals. Appeal of a decision of the Planning Board shall be heard by the Board of Appeals as indicated in Section 13-140.

Historical Note: Sec. 13-110 as amended June 14, 2021.

Sec. 13-120 Administration and Enforcement.

1. **Enforcement Authority**. The Code Enforcement Department or its designees shall administer and enforce these Ordinances. References hereafter to CEO shall include the designated Code Enforcement Officer(s) and any other duly authorized persons acting in official capacity as an enforcer of these codes.

2. **Duties of Code Enforcement Department**. The Code Enforcement Department or its designees shall investigate or cause to be investigated any purported violation of these Ordinances; inspect or cause to be inspected all buildings and structures in the course of construction, modification or repair, and to inspect land uses to determine compliance with these Ordinances; and take any action necessary to enforce compliance with these Ordinances.

3. **Power of Code Enforcement Department**. To enforce these Ordinances, the Code Enforcement Department or its designees shall have the power to:
   A. Enter upon any property or premises to ascertain whether this title is being obeyed, if exigent circumstances or probable cause exists including but not limited to conducting inspections, investigating complaints and make reasonably necessary examinations and surveys, including, but not limited to, taking photographs, samples, or other physical evidence,

   B. Obtain a search warrant if the owner, tenant, or occupant refuses to allow entry,

   C. Refer a violation to the police department or other city agent or employee duly authorized by the city administrator to issue citations relative to other life, safety, or health codes,

   D. Stop Work,

   E. Withhold from or deny to the original applicant or current owner of a property any desired land use permits, certificates, or other forms of authorization if a violation of these Ordinances exists on the property. Such withholding is permissible regardless of who is responsible for the violation on the property,

   F. Issue a permit, certificate, or other form of authorization to an original applicant or current owner, regardless of who is responsible for an existing violation of these ordinances, subject to correction of the violation,

   G. Commence administrative enforcement, civil or criminal actions, including but not limited to issuing notices of violation or institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of these Ordinances in the name of the City of Caribou. The city has sole discretion to decide whether to commence an administrative enforcement, civil or criminal case,

   H. Seek enforcement without prior notice if delay in enforcement would seriously threaten the effective enforcement of this title or pose imminent danger to the public health, safety, or welfare,

   I. Maintain a current file of all pertinent local statutes, ordinances, regulations, codes, and plans relating to land-use regulation,

J. Keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected,

K. Issue notices, conduct hearings and seek recovery of expenses on behalf of the city in the matter of Dangerous Buildings as provided in MRSA §2851-2859.

4. **Land Use and Building Permits**.

A. No building or structure shall be erected, altered, enlarged, or moved until applicable permits have been issued by the CEO.

B. All applications for permits shall be in accordance with city provided application forms. Applications shall not be reviewed unless accompanied by payment of applicable processing fees as may be established from time to time by the City Council.

C. The CEO shall issue the permit only if they find, after proper examination of the application, that the application is complete and the building or structure and its intended use will comply with the provisions of these Ordinances and with all other applicable federal, state, and local rules, laws, regulations, and ordinances.

D. The CEO shall act upon all applications for a land use permit, building permit or certificate of occupancy within fifteen (15) days after receipt of an application. Notice of refusal to issue the land use permit or certificate of occupancy shall be given to the applicant or their authorized agent in writing within fifteen (15) days of such application stating the reason for refusal. Failure of the CEO to issue a permit or provide written notice of their decision regarding a permit application within thirty (30) days of the date of filing of the application shall constitute refusal of the permit.

E. Permits shall expire twelve months after issuance if no progress is made on the permitted activity. Permits may be re-issued one time for no additional fee if the request remains the same and there have been no changes to applicable codes. All intended construction and land use as stated in the original permit shall begin within the term of the permit issuance date. Failure to make progress toward a permitted use or intended construction activity within any six-month period may be considered as abandonment of the project and result in revocation of the permit. A permit revocation may also require the permit holder to demolish any improvements if deemed by the CEO to pose a potential threat to public health or safety.

F. The CEO may revoke a permit after proper notification if it was issued in error or if based on erroneous information.

5. **Certificate of Occupancy**.

A. No land use shall be changed in use, nor building or structure hereafter completed until a Certificate of Occupancy has been issued by the CEO, stating that the proposed use complies with applicable provisions of these Ordinances and with all other applicable local rules, laws, regulations, and ordinances. Any Person who leases or occupies a building in the City without having a valid Certificate of Occupancy issued by the CEO shall be in violation of these Ordinances and is subject to its penalties.

B. A Certificate of Occupancy shall be required for the following:
   1. The increase in the number of dwelling units in a building.
   2. The establishment of any home occupation.
   3. A change in a non-conforming use of land or building.
   4. The occupancy and use or change of use of vacant land except for agricultural operations.
   5. A change in use of an existing building, whether or not alteration is involved.
   6. Any construction activity required to have a building permit under MUBEC.

C. Prior to the issuance of the Certificate of Occupancy, the CEO shall check and determine that all requirements under the applicable provisions of these Ordinances and with all other applicable federal, state, and local rules, laws, regulations, and ordinances have been met.

6. **Inspections**.

A. The CEO shall conduct regular on-site inspections during construction of a permitted project to ensure compliance with all applicable laws and conditions attached to permit approvals.

B. At least 24 hours prior to commencing construction of improvements, the applicant shall notify the CEO in writing of the time when the developer proposes to commence construction of such improvements requiring CEO inspection.

C. If the CEO finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the applicant, the CEO may impose a Stop Work Order for the project and shall provide written notice to the applicant and developer immediately. Work shall recommence only after any Stop Work Order has been lifted. The CEO shall take any steps necessary to preserve the City's rights.

D. If at any time before or during the construction of the required improvements it appears to be necessary or desirable to the city to modify the improvements, the CEO is authorized to approve minor modifications due to unforeseen circumstances. The CEO shall issue any approval under these Ordinances in writing and shall transmit a copy of the approval amendments to the Planning Board if they were the final approving body for the development. Revised plans shall be filed with the CEO. Major modifications, such as affect property dimensions, density, or increased intensity of use on the site, etc., which would require Planning Board authorization can only be authorized by the Planning Board.

7. **Notice of Violations**.

A. If the CEO shall find that any provision of these Ordinances is being violated, the CEO shall notify the property owner and the Person responsible for such violations in writing indicating the nature of the violations and ordering the action necessary to correct it and the reasonable timeframe in which the correction must take place. Corrections may include the removal of illegal buildings, structures, additions, materials, or work being done, or any other action authorized by these Ordinances to ensure compliance with, or to prevent violation of, their provisions.

B. The CEO shall maintain any notices of violation as part of the permanent record for the property.

C. The failure of the CEO to follow the notice procedure set forth within this subsection shall not prevent the City Council from taking any legal action to enforce these Ordinances and to pursue all available legal remedies, including without limitation, injunctive relief, fines, and attorney fees.

8. **Violations**.

A. The following shall be considered violations of these Ordinances and shall apply to all developments and properties within the City.

1. Conveying, offering, or agreeing to convey any land in a development which has not been approved by the Planning Board or CEO, whichever is applicable.
2. Grading or construction of roads, grading of lands or lots, construction of buildings, or any utility infrastructure without valid and current local permits as required under these Ordinances. This shall include work by any public utility, water district or sanitary district but not those activities conducted as general maintenance on existing roads, rights-of-way, or properties.
3. Use or occupancy of land in a manner inconsistent or in violation of these Ordinances, excepting those uses or occupancy which are legal nonconforming.

B. The City Council, or their authorized agent, may take any steps necessary to preserve the City's rights, such as, but not limited to, entering into an administrative consent agreement for the purpose of eliminating violations of these Ordinances and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use shall result in a threat or hazard to public health and safety or shall result in substantial environmental damage.

9. **Penalties**. Any person, firm, or corporation being the owner, authorized agent, contractor, or having control or use of any structure or premises who violates any of the provisions of these Ordinances shall, after proper notice and reasonable cure period, be guilty of a Class E misdemeanor and upon conviction thereof shall be punished by a fine as stipulated in the Maine State Code, by imprisonment as stipulated in the Maine State Code, or by both such fine and imprisonment. Each day such a violation is permitted to exist after the reasonable cure period shall constitute a separate offense. Fines shall be payable to the "City of Caribou".

Historical Note: Sec. 13-120 as amended June 14, 2021.

Sec. 13-130 Board of Appeals.

1. **Establishment and Administration.** The Board of Appeals is hereby established in accordance with Title 30-A Section 2691. The word "Board," when used in this Section, shall be construed to mean the Board of Appeals. The Board use shall consist of five (5) members of qualified persons with legal, certifications in zoning, or other applicable qualifications to hear administrative appeals. Appointment to the Board shall be by the City Council for an indefinite period of time providing the qualification of appointment remains. Board members may be removed by the City Council in accordance with the Caribou City Charter. The members of the Board shall receive a fee of $25 per meeting or appeals plus mileage as set annually by the City Council for their services while under appointment. Absence of a member from three (3) consecutive meetings without written explanation shall be construed to be a resignation from the Board and shall require filling of the vacancy by action by the City Council. A vacancy shall be filled for the unexpired term only. Neither a municipal officer nor his/her spouse may be a member of the Board.

2. **Authorities and Power of the Board of Appeals.** The Board of Appeals shall have the following powers:
   A. Administrative Appeals:
      1. To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and
      2. T~~t~~o hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision, or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

   B. Variances: To authorize variances upon appeal, within the limitations set forth in this Ordnance. This does not include any application fees set by the City Council or regulations imposed by other governmental agencies nor building codes.

3. **Meetings**
   A. The regular meeting of the Board shall be held as necessary.

   B. Special meetings of the Board may be called by the Caribou Code Enforcement Officer or City Manager. At least forty-eight (48) hours written notice of the time, place and business of the meeting shall be given each member of the Board, the Planning Board, City Manager, and the Code Enforcement Officer.

   C. The Board may set an agenda as they deem necessary. ~~order of business at regular meetings of the Board shall be as follows: (a) roll call; (b) reading and approval of the minutes of the preceding meeting; (c) action on held cases; (d) public hearing (when scheduled); (e) other business; (f) adjournment~~.

   D. All meetings of the Board shall be open to the public, except executive sessions. No votes may be taken by the Board except in public meeting. The Board shall not hold executive sessions except as permitted by the Freedom of Information Act.

   E. All meetings will be conducted in accordance with this ordinance and Robert's Rule of Order, or other bylaws as may be adopted by the Board of Appeals.

F. No hearing or meeting of the Board shall be held, nor any action taken, in the absence of a quorum; however, those members present shall be entitled to request the chairperson to call a special meeting for a subsequent date. A quorum shall consist of three (3) members of the Board.

Historical Note: Sec. 13-130 as amended June 14, 2021.

Sec. 13-140 Appeals and Variances.

1. Making an Appeal

A. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

B. Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
   1. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
   2. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

C. Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from. Each appeal shall be accompanied by a review fee as set in the city fee schedule adopted by the City Council. If the actual cost of advertising and notification exceeds the fee paid, the applicant shall pay the balance.

D. The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application unless this time period is extended by the parties.

2. Procedure on Appeal

A. At least fourteen (14) days prior to the date of the hearing on such appeal, the Board of Appeals shall cause to be posted in three (3) prominent locations in the City a notice which includes:
   1. The name of the Person appealing.
   2. A brief description of the property involved.
   3. A brief description of the decision appealed from, or the nature of the appeal.
   4. The time and place of the Board of Appeal's hearing.

B. At least ten (10) days prior to the date set for hearing, the Board of Appeals shall also cause the CEO or designee to give similar written notice to:
   1. All abutting property owners of record whose properties lie within 200 feet of the affected property.
   2. The Person making the appeal, and
   3. The Planning Board, the CEO, and any other parties of record.

C. Upon notification of the granting of an appeal by the Board of Appeals, the Planning Board or CEO shall immediately issue a permit in accordance with the conditions of the approval, unless the applicant's proposal requires additional review.

D. Appeals may be taken within forty-five (45) days from any decision of the Board of Appeals to the Superior Court.

E. A second appeal of a similar nature shall not be heard by the Board of Appeals within one year from the date of denial of the first appeal. However, re-appeal may be made to the Board if substantial new evidence shall be found or an error or mistake in law or misunderstanding of fact shall have been found.

3. **Stay of Proceedings**. An appeal stays all legal proceedings related to the action appealed from unless the CEO or Planning Board, from whom the appeal is taken, certifies to the Board of Appeals, after the notice of appeal has been filed with the CEO or Board of Appeals, that by reason of facts stated in the certificate a stay would, in the CEO's or Board of Appeal's opinion, cause irreparable harm to property or create a threat to the life or health of any Person including the appellant. In such case, the CEO or Board of Appeals, if legally authorized by State law or local ordinance, may seek injunctive relief or, in appropriate cases, refer the matter to the City Council for prosecution.

4. **Hearing Proceedings**
   A. The Board of Appeals may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. Every party shall have the right to present their case or defense by oral or documentary evidence to submit rebuttal evidence and to conduct such cross-examinations as may be required for a full and true disclosure of the facts.

   B. The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chair.

   C. At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause. For example, if the Board of Appeals determines that the appeal before it was inappropriately classified the Board of Appeals shall give the applicant the opportunity to amend the application and continue the hearing until the public has been properly notified of the appeal's reclassification and of the time and place when the hearing shall continue.

   D. The CEO, or their designee, shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material deemed appropriate for an understanding of the appeal.

   E. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record.

   F. The record may be kept open after the hearing by order of the Chair until a date established by the order.

5. **Standard of Review**.
   A. Review of a decision of the CEO. The Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision. The Person filing the appeal shall have the burden of proof.

   B. Review of a decision of the Planning Board. The Board of Appeals shall hold an appellate hearing and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings is inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding. The Person filing the appeal shall have the burden of proof.

6. **Decisions by Board of Appeals**
   A. Voting**.** All matters shall be decided by a show of hands vote. Decisions on any matter before the Board shall require the affirmative vote of a majority of those members present and voting, by in no case less than three (3) affirming votes. A vote or by a lesser number than the required majority shall be considered a rejection of the application under consideration. If a member has a conflict of interest, that member shall not be counted by the Board in establishing the quorum for the matter in which he or she has a conflict. Conflicts of interest shall be handled the same as with the Planning Board under Title 13-110.2.

   B. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Planning Board or CEO, or to decide in favor of the

applicant on any matter on which it is required to pass under these Ordinances, or to affect any variation in the application of these Ordinances.

C. The Board of Appeals shall decide all appeals in an open session within thirty (30) days after the hearing and shall issue a written decision on all appeals. The written decision shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented, and the appropriate order, relief, or denial thereof. Any decision shall be mailed, or hand delivered to the petitioner, their representative or agent, the Planning Board, the CEO, and City Council within seven (7) days of the decision date.

D. The right to relief from the terms of these Ordinances granted by vote of the Board of Appeals in a specific case shall expire if the work or change is not commenced within six (6) months thereafter and if the work or change is not substantially completed within one year.

E. The Board of Appeals may impose such conditions and safeguards regarding location, character, fencing, screening, landscaping, or other features as it may deem advisable in furthering the intent and purpose of these Ordinances.

F. The Board of Appeals, with the advice and assistance of the Planning Board and CEO, shall maintain a current map indicating by means of appropriate symbols, colors, or other notations the locations in which it has taken approving actions.

7. **Reconsideration.** In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s).

   A. The Board may reconsider any decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. The Board must decide to reconsider any decision, notify all interested parties, and make any change in its original decision within 30 days of its prior decision. The Board may conduct additional hearings and receive and review additional evidence and testimony. Reconsideration should be for one of the following reasons:
      1. The record contains significant factual errors due to fraud or mistake regarding facts upon which the decision was based; or
      2. The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

   B. Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

8. **Variances**. The Board of Appeals shall have the power to hear and decide upon appeal a variation from the requirements of the Zoning Ordinance not in contradiction to the public interest in respect to a parcel of land or to an existing building thereon, where a literal enforcement of the Ordinance would result in undue hardship.

   Variances may be permitted only under the following conditions:
   A. Variances are obtainable for height, minimum lot size, frontage, structure size, setbacks, and open space requirements.

   B. Variances shall not be granted for uses otherwise forbidden ("NO") in a District indicated on the Caribou zoning Land Use Chart.

   C. The Board must find that all criteria for an undue hardship are met. Undue hardship shall have the same meaning as defined in M.R.S.A Title 30-A, Section 4353, Zoning adjustments.

   D. A disability variance may be granted by the Board of Appeals to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of

structures necessary for access to or egress from the property with the disability. The Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. For the purposes of this subsection, a disability shall have the same meaning as a physical or mental handicap under Title 5 MRSA §4553.

E. The Board of Appeals shall limit any variances granted as strictly as possible in order to preserve the terms, conditions and safeguards of the Ordinance as much as possible, and it may impose such conditions to a variance as it deems necessary, to this end.

F. For variances within Shoreland Zoning areas
   1. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
   2. A copy of all variances granted in Shoreland Areas by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the Board's decision.

G. If the Board of Appeals grants a variance under this subsection, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of granting, shall be prepared in a recordable form by the Board of Appeals. This certificate must be recorded in the Aroostook County Registry of Deeds, Southern Office by the applicant within ninety (90) days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection. For the purpose of this subsection, the date of the final written approval shall be the date stated on the written approval.

H. The Board of Appeals shall notify the Chair of the City Council and the Planning Board in writing of any variance granted under the provisions of the Ordinance.

Historical Note: Sec. 13-140 as amended June 14, 2021.

Sec. 13-200 Zoning and Land Use Regulations.

1. **Title.** This Section shall be known and may be cited as the "Zoning Ordinance of the City of Caribou".

2. **Administration.** The Planning Board of the City of Caribou shall administer this Section.

3. **Applicability.** This section shall apply to all land, buildings, or structures within the boundaries of the City of Caribou.

4. **Intent.** In order to carry the purposes of this title, the City of Caribou is hereby divided into zones with specific development and land use regulations pertinent to such zones as established below.

Historical Note: Sec. 13-200 as amended June 14, 2021.

Historical Note: Sec. 13-201 Applicability of Zoning Review was repealed by City Council on June 14, 2021.

Sec. 13-202 Official Zoning Map.

1. **Official Zoning Map**. Zones are located and bounded as shown on the Official Zoning Map of the City which is hereby declared to be an official record and made a part of this Section. The Official Zoning Map shall be created and maintained electronically by the Caribou Community Development Department with a hard copy being placed in the City Clerk's office, which shall be attested by the City Clerk, and bear the seal of the City under the following words:

"*This is to certify that this is the Official Zoning Map of the Zoning Ordinance of the City of Caribou, Maine*"

Date: _____

The Official Zoning Map in the City Clerk's office shall have a minimum scale no less than 1 inch = 2000 feet. There may for purpose of clarity, necessitated by reasons of scale on the map, be more than one Zoning Map produced, including electronically, for public viewing. Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map located in the office of the City Clerk shall be the final authority in determining current zoning status.
The Official Zoning Map shall be reproduced with each official amendment or as needed in the event it becomes damaged, destroyed, lost, or difficult to interpret.

2. Amendments to the Official Zoning Map.

A. If, in accordance with the provisions of Section 13-100 and Title 30 A MRSA §4503, changes are made in Zone boundaries or other matter portrayed on the Official Zoning Map, changes to the map shall be made upon the effective date of the Council ordinance approving the map amendment. The following wording shall be reflected on the Official Zoning Map with each amendment adopted in a calendar year:

" By official action of the City Council, the following change(s) was (were) made: (insert brief description of the general location, acreage affected, nature of change, the ordinance number and effective date)." Immediately beneath the entry the City Clerk shall place their signature.

B. No changes to Zone boundaries shall be made in the Official Zoning Map except in conformity with the procedures set forth in Section 13-100 and consideration of the information required below. Any unauthorized zone boundary change shall be considered a violation of this Section and punishable as provided for within the Sec. 13-120, "Administration and Enforcement".

C. Application to Rezone. Property owners desiring to change the zoning classification for property which they own, whether individually or as a part of a larger development project, may make application to the community development department for a hearing to rezone their property. Applications to rezone property shall consist of, but not be limited to, the following:
   1. A complete rezoning application with fees paid,
   2. A concept plan depicting the layout, including, but not limited to, roads, parks, trails, and type of development anticipated within each zoning classification being requested. This plan shall also include a density table which reflects the anticipated development with potential number of development units, residential and commercial, and the number of potential units under the current zone standards,
   3. Legal description of the property(ies) proposed to be rezoned along with a map and area calculation for each area to be affected.
   4. Materials for notification to property owners within 300 feet of the area to be affected.

D. Criteria for Rezoning Consideration. To grant an approval for rezoning of property, the Planning Board and City Council must find that:
   1. The rezoning conforms to the intent of ~~the City general plan~~ any plan formally adopted by the City,
   2. The rezoning will provide greater benefit to the community than adverse effects to surrounding properties, and
   3. The rezoning will not cause property, structures, or uses of the property to unnecessarily become nonconforming according to this title.

3. Rules Governing Interpretation of Zone Boundaries

Where uncertainty exists as to the boundaries of Districts as shown on the Official Zoning Map the following rules shall apply.

A. Boundaries indicated as approximately following the center lines of roads, highways, alleys, railroad rights-of-way, rivers, or streams shall be construed to follow such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following City limits shall be construed as following such limits.

D. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.

E. Sources for the delineation of the Special Flood Hazard areas shall be the Caribou Flood Insurance Map.

F. Sources for the delineation of the Aquifer Protection District shall be the latest edition of the Maine Geological Survey "Hydrogeologic Data for Significant Sand and Gravel Aquifers".

G. Boundaries indicated as parallel to or extensions of features indicated in subsections A through D above shall be construed as being parallel to or extensions of such features. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

H. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or other circumstances not covered by subsections A through G above, the Board of Appeals shall interpret the District boundaries.

I. Where a tract has a split zoning boundary, other than the boundary to an overlay zone, the following rules shall apply.

1. On lots of two (2) acres or less in area, the lot shall be used as if the entire lot were in the District which comprises the larger portion.

2. On lots larger than two (2) acres, the District regulations shall be followed in each portion.

J. Where other uncertainty exists, the zoning administrator, or other authorized officer, shall make recommendation to the Planning Board which shall interpret the map. Interpretations shall be made to favor the highest and best use of the property and in accordance with the city’s adopted general plan. Interpretations shall be noted on the official zoning map along with the date of interpretation for future reference.

Caribou Zoning Map – See Attached.

Sec. 13-203 Establishment of Districts.

1. Zoning Districts.

1. For the purposes of this Ordinance, the City is hereby divided into the following Zoning Districts:

1. R-1 Residential District.
The R-1 District encompasses most of the older residential neighborhoods and is located within convenient reach of business facilities. The District is expected to contain most of higher density single-family type dwellings likely to be needed by the community. Certain additional uses which meet the requirements of this Ordinance may be permitted which will contribute to balanced neighborhoods and enhance the attractiveness of the community.

2. R-2 Residential District.
The R-2 District encompasses most of the older residential neighborhoods and is located within convenient reach of business facilities. The R-2 District is expected to contain most of the multi-family or apartment type dwellings likely to be needed by the community. However, in harmony with the established neighborhoods, predominant land use will probably continue to be single-family residence. As in the R-1 District, certain additional uses which meet the requirements of this Ordinance may be permitted, which contribute to balanced neighborhoods and enhance the attractiveness of the community.

3. R-3 Residential District.
The R-3 District encompasses most of the area outside the urban center and is intended for the kinds of uses which have traditionally predominated in rural New England; forestry and farming, farm residence, and a scattering of varied uses not inconsistent with a generally open, non-intensive pattern of land use. The minimum lot size requirement is high in order to prevent over-development where public sewers are not feasible and where a full range of urban services can not be provided economically.

4. C-1 Commercial District.
The C-1 District is intended primarily for commercial uses to which the public requires easy and frequent access. Centrally located and at the center of the existing downtown business district, the C-1 District is intended to encourage the concentration of commercial development to the mutual advantage of customers and merchants. In order to protect the integrity of the C-1 Commercial zone, residential dwelling space is not allowed on the first floor (street level) of buildings in the C-1 Zone. Accessory and incidental residential dwelling units may be developed on the floors other than the first floor (street level) with Site Design Review and Planning Board approval. No residential dwelling units maybe developed in the basement (below street level) unless the entire building is constructed of approved noncombustible materials and in compliance with the Maine Uniform Building and Energy Code (MUBEC) as Type 1 or Type 2 Construction. Any residential dwelling unit in the C-1Zone must meet all requirements of Sections 13-300 through 13-307 Site Design Review, 13-700 through 13-710 General Requirements for Land use, all requirements of the Life Safety Code (NFPA 101) and all requirements of the Caribou Building Code and the Maine Uniform Building and Energy Code (MUBEC).

5. C-2 Commercial District.
The C-2 District is intended primarily for commercial uses to which the public requires free and easy access and to provide for a wider range of associated activities in the business community than in the "C-1" District. In order to protect the integrity of the C-2 commercial zone, residential dwelling units are not allowed on the first floor (street level) of buildings in the C-2 Zone. Accessory and incidental residential dwelling units may be developed on the floors other than the first floor. Accessory and incidental residential dwelling units may be developed on the first floor (street level) with Site Design Review and Planning Board approval. Accessory and incidental residential dwelling units may be developed on the first floor only if 50% or greater floor space is maintained for commercial use with Site Design Review and Planning Board approval. Any residential dwelling unit in the C-2 Zone must meet all requirements of Sections 13-300 through 13-307 Site Design Review, 13-700 through 13-710 General Requirements for Land Use, all requirements of the Life Safety Code (NFPA 101) and all requirements of the Caribou Building Code and the Maine Uniform Building and Energy Code (MUBEC).

6. ~~RC-2 Commercial~~ MU – Mixed Use District.
The ~~RC-2~~ Mixed Use District is intended for residential and commercial uses to which the public requires free and easy access. The lot size requirements are larger than other commercial Districts, since the area may not be serviced by public sewer, and the set back requirements are greater, since both uses can be in the same district. Mixed Use ~~most RC-2~~ Districts are expected to be along major traveled roads (for example US Route 1, State Highways 89, 161, or 228).

7. I-1 Industrial District.

The I-1 District is to provide land which is conveniently located with respect to transportation facilities for business activities, and to promote such land use in the community ~~and municipal services and where other conditions are favorable to the development of industry and which~~while at the same time ~~is so located~~locating such activity as to prevent undesirable conflict with residential and ~~business~~ commercial uses and resduce traffic congestion in these areas.

~~**8. I-2 Industrial District.**~~

~~The I-2 District is to provide land which is conveniently located to transportation facilities for business activities which require extensive land area, but do not require close proximity to residential and commercial areas of the community and to promote such land use in the community while at the same time locating such activity as to prevent undesirable conflict with residential and business uses and reduce traffic congestion in these areas.~~

8. Airport District

The Airport District is to provide land to be utilized for aircraft landing and take offs as well as commercial uses that serve to increase the traffic at the airport or is dependent on aviation capabilities for their success.

9. H-1 Health Related District.

The H-1 District is intended primarily for health use or uses compatible with a hospital or health-related purpose. Located in the proximity of the Cary Medical Center, the H-1 District is intended to encourage the concentration of medically related development for efficient land use.

10. RF-1 Riverfront Parks and Open Space District

Areas appropriate for active transportation and recreation compatible with shoreland and conservation applications and enhance the attractiveness of the neighborhood in the Riverfront Development District.

11. RF-2 Riverfront Commercial District

Primarily for Commercial uses to which the public require free and easy access. This area is centrally located to encourage a concentration of commercial activity to the mutual advantage of the businesses and the customers that patronize those businesses .

12. RF-3 Riverfront Residential District 1

Low density single-family dwelling residential development located within convenient reach of business facilities and commercial districts intended to take advantage of the smaller lot sizes available with appropriate road frontage compatible with the Shorefront Development District and to enhance the attractiveness of the neighborhood.

13. RF-4 Riverfront Residential District 2

High Density residential development located within convenient reach of business facilities and commercial districts containing older and historic single-family and multi-family dwellings in the Shorefront Development District intending to retain and enhance the attractiveness of the neighborhood

14. RF-5 Riverfront Rural Recreational District

Areas appropriate for active transportation and recreation compatible with shoreland and conservation applications with enhanced access to the Aroostook River and natural areas in the Riverfront Development District

15. RF-6 Riverfront Rural Residential District

Areas outside of the urban center of the city suitable for low density single and multi-family dwelling residential development with a mix of agricultural and commercial uses with larger lot sizes compatible with the Shorefront Development District and to enhance the attractiveness of the neighborhood.

2. Special Protection Overlay Districts.

For the purposes of this Ordinance, Caribou hereby has two special protection overlay Districts; for the sand and gravel aquifers and for the Caribou Utility District's wellhead. The overlay Districts are intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and areas of natural beauty; and to protect and maintain the quality of surface and ground waters. The overlay Districts shall be superimposed over underlying Districts and land uses are subject to **both** the standards in the underlying and the overlay Districts.

1. Sand and Gravel Aquifer Overlay District.
   a. This District includes sand and gravel aquifers as identified on the Maine Geological Survey "*Hydrogeologic Data for Significant Sand and Gravel Aquifers*" maps, as well as, a 75' buffer drawn around the known boundaries of these aquifers (buffers shall be updated as the aquifer mapping is updated).

   b. All future non-residential land uses on the aquifer and within the 75' buffer shall be subject to the review and approval of the Planning Board.

   c. All construction or activity involving the displacement of soil on the aquifer and within the 75' buffer shall follow soil erosion control measures as outlined in appropriate Best Management Practices.

   d. No vehicle carrying pesticides, fertilizers, or other toxic or hazardous chemicals or substances shall pump water from the aquifer. Penalties of heavy fines and suspension of licenses shall be imposed for handling potentially toxic or hazardous chemicals or substances within the aquifer or for the contamination of any waters within the aquifer.

2. Wellhead Protection Overlay District.
   a. The Wellhead Protection District (WPD) is created to protect the public water supply for the City by preventing contaminants from reaching the well and realizing that drinking water is essential to the survival of the City. The WPD includes the land area within 2500 feet of the Caribou Utility District's (CUD) wellhead as may be delineated on the official zoning map. All land use activity regulated by this Ordinance within the WPD shall require a brief application be obtained, completed, and returned by the applicant at the CUD prior to the issuance of any permit.

   b. No new or existing aboveground or underground storage of fuel, except for household heating fuel, or chemical tank or toxic or hazardous materials shall be permitted or expanded within the WPD, except for water treatment chemicals or materials of the CUD.

   c. All construction or activity involving the displacement of soil within the WPD shall follow Best Management Practices. The Planning Board may adopt, by reference, additional Best Management Practices. In so doing the Planning Board shall hold a public hearing.

   d. No vehicle carrying pesticides, fertilizers, or other potentially toxic or hazardous chemicals or substances shall pump water from the WPD. Penalties of heavy fines and suspension of licenses shall be imposed for handling potentially toxic or hazardous chemicals or substances within the WPD or for the contamination of any waters within the WPD.

e. The City and the CUD shall have the right to install groundwater monitoring wells and shall further maintain the right to sample such wells on properties within the WPD when the City or the CUD can clearly show that groundwater monitoring in the area will serve to protect the public water supply from existing or potential threats.

f. When and where applicable within the WPD, the CEO shall have the right, upon 24-hour notice, to enter, inspect, and to determine whether all premises which have groundwater pollution control devises or management practices are in good condition and working properly. Such testing shall be at the City's and CUD's expense. If such testing indicates that the groundwater has been contaminated above the State Primary and Secondary Drinking Water Standards, then further testing shall be at the expense of the land owner in question. Additionally, the owner shall reimburse the City and/or the CUD for expenses incurred in the initial well installation and testing.

g. The collection and disposal of petroleum products, chemicals, and wastes used in construction shall conform to the following:
    1. Petroleum products, chemicals, and wastes shall be collected and stored in closed, clearly marked, water tight containers.
    2. Containers shall be removed regularly for disposal to prevent spills and leaks which can occur due to corrosion of containers. A schedule for removal shall be included with the application and in any construction specifications for the project.
    3. Fertilizers and landscape chemicals such as herbicides and pesticides shall be applied following appropriate Best Management Practices.

h. Stormwater Runoff/Snow and Ice Control.
    1. Drainage systems, including detention basins, drainage ways, and storm sewer systems, shall be maintained in order to insure they function properly.
    2. Chemicals and wastes shall be stored in such a manner as to prevent rainfall from contacting them.
    3. Runoff from parking lots should be diverted to stormwater drains where applicable.
    4. Snowmelt from parking lots should be diverted to stormwater drains.
    5. Parking lots should be maintained on a yearly basis.
    6. Sand/salt mixtures with a reduced portion of salt should be used for snow and ice control.

i. Industrial and Maintenance Operations.
    1. A plan detailing the reuse, recycling, or proper disposal of waste chemicals shall be kept, maintained, and updated as needed. Provisions shall be provided for implementing the plan.

    2. Buildings, rooms, and areas where chemical potential pollutants are used, handled, or stored shall be designed to contain spills and or leaks.
        a. Floor drains shall not be used except as required by fire regulations; and
        b. A waterproof dike shall be placed around areas to contain accidental spills. The dike shall have an equivalent volume to the amount of material stored or used in the room.

    3. Spill/leakage prevention and detection programs shall be maintained and updated.
        a. Plans shall insure the regular collection and transport of chemicals; and
        b. Plans shall provide for inspection of containers and storage areas on a regular basis.

    4. A spill clean-up plan shall be maintained and updated annually. The plan shall:
        a. Insure adequate materials and equipment are available;
        b. Insure that personnel are trained; and
        c. Insure that the local fire department is knowledgeable of clean-up procedures.

    5. Wash waters and other diluted wastes shall be adequately treated consistent with State law and the current pre-treatment ordinances.
        a. Wastes shall be discharged to sewer systems where possible; and
        b. Grease traps and oil separators shall be installed where necessary and shall be maintained on a regular basis.

j. Septic/Sewage Disposal.
    1. Sewer/septic systems shall be designed by a Maine Registered Professional Engineer using sound engineering practices. On-site sewage disposal shall be according to the State of Maine Subsurface Wastewater Disposal Rules.
    2. Construction of sewers and septic systems shall be carefully inspected to insure proper installation.

3. Septic systems and related piping shall be tested for leakage and certified by the LPI that they are water tight prior to use. Sewer systems shall be tested for leakage, according to State standards or municipal ordinance/District regulations.
4. Provisions shall be made to maintain sewer and septic systems.
5. Sewers and drainage systems shall be designed to insure that stormwater does not enter sanitary sewers.
6. For cluster systems, 1000 gallon septic tank capacity shall be provided for each 300 gallons of flow. Design flows for leachfields shall be less than 2500 gallons per day.
7. Chemicals, industrial wastes, floor drains and stormwater drains (i.e. roof drains) shall not be discharged to septic systems.

k. Waste Disposal Handling.

1. Inert Fill.

a. Waste disposal areas shall be setback 75 feet from wetlands as defined in the Maine Natural Resources Protection Act (NRPA);
b. Wastes shall be placed a minimum of 2 feet above the seasonal high ground water table; and
c. For wastes other than concrete, stone, and brick, documentation from a laboratory that wastes are inert shall be provided.

2. Transfer Station/Recycling Facilities.
   a. All storage areas shall be located a minimum of 5 feet above the seasonal high ground water table;
   b. Sanitary wastes shall be disposed of into a public sewer or in accordance with the State of Maine Subsurface Wastewater Disposal Rules;
   c. If water clean-up of facilities is used, it shall be discharged to a public sanitary sewer. If no public sanitary sewer is available, dry clean-up procedures shall be used;
   d. Gravel, asphalt, or concrete pads or steel or aluminum containers shall be used for storage facilities for white goods and tires;
   e. Facilities shall not be located in 100 year floodplain;
   f. An Operating Manual shall insure that only non-hazardous municipal solid waste is accepted;
   g. For recycling facilities, an Operating Manual shall insure that only clean, marketable recyclables are collected; and
   h. For recycling facilities, storage of residuals shall be accomplished to prevent spillage and leakage.

3. Municipal, Commercial, Industrial, and Other Special Wastes.
   a. All handling, storage, and transfer shall comply with MDEP rules; and
   b. Storage and transfer areas shall comply with the management practices listed in 2. Above.

4. Junkyards/Metal Processing.
   a. Fluids shall be removed in a secure area and stored for appropriate disposal;
   b. Fluids shall be disposed in accordance with state and federal laws; and
   c. Records shall be maintained to indicate the quantities of fluids handled.

l. Chemical and Petroleum Handling and Storage**.**

1. Non-hazardous chemicals shall be substituted for hazardous varieties whenever possible.
2. A detailed inventory shall be maintained.
3. Provisions shall be made to clean-up all spills immediately with an absorbent material or other methods and dispose of them properly.
4. Hazardous materials shall be stored in secure, corrosion, resistant containers.
5. Storage shall be in above-ground, corrosion resistant tanks. The following provisions shall be complied with:

   a. A diked area shall be provided around tanks to contain spills. The volume of diked area shall equal the volume of product stored;
   b. A roof shall be provided over containment areas to prevent collection of rain water; and
   c. Drains shall not be installed in containment areas.

6. If underground storage is necessary, tanks shall be approved by the MDEP. The system, including piping, shall be tested prior to use. Underground piping and transmission lines shall be inspected and tested upon installation and on an annual basis, thereafter.

7. All floors shall be concrete or an impermeable, hardened material. Sub-floor synthetic containment liners shall be inspected to contain spills or leaks occurring inside buildings with earth or gravel floors.
8. Non-bulk storage of chemicals shall be inside. Such storage areas shall comply with the following:

    a. Floor drains shall not be used;
    b. If floor drains are required by the fire regulations, they shall be discharged to a holding tank. Tanks shall be pumped by a licensed oil or hazardous waste hauler, as appropriate. Tanks shall be equipped with gauges to determine used capacity; and
    c. Storage and handling areas shall have waterproof dikes around perimeter so as to contain spills.

9. Tanks shall be equipped with automatic shutoffs and/or high level alarms.
10. Spill and leak detection programs shall be maintained and updated annually.
11. Oil and water separators shall not be used to remove dissolved compounds or oil and greases which had been subjected to detergents.
12. Loading areas shall be covered to prevent the mixing of stormwater and spilled chemicals. Concrete or other impermeable pads shall be provided under transfer and handling areas.
13. Exterior transfer and handling areas shall be slope as to prevent runoff from other areas from entering the handling area, but to contain small quantities of spilled product.
14. Procedures shall be made to catch and store chemicals spilled at loading docks and other transfer areas.
15. Provisions shall be made to periodically inspect and test tanks and lines for leaks.
16. The facility and equipment shall be designed to:

    a. Prevent tank overflows; and
    b. Prevent line breakage due to collision

17. Provisions shall be made to have:

    a. Emergency diking materials available; and
    b. Emergency spill cleanup materials available.

18. The facility and equipment shall be designed to:

    a. Prevent tank overflows; and
    b. Prevent line breakage due to collision

19. Exterior transfer and handling sites shall be graded and sloped to prevent runoff for other areas from entering the handling areas.
20. Residential storage tanks for home heating fuel shall be located in cellars or on a concrete slab above the ground if outside.

m. Sand and Gravel Mining.

1. Limit Depth of Excavation.

    a. Excavation shall be limited to 5 feet above the seasonal high water table;
    b. If excavation is proposed such that there will be less than 5 feet separation between excavation limits and the ground water table, a hydrogeologic investigation must be done to assess the potential adverse impact including potential contamination and reduction in recharge of this proposal; and
    c. If water supply wells are present within 500 feet of the proposed excavation, ground water level monitoring wells shall be installed.

2. Haul roads shall be watered to control dust. Salting and oiling of roads is prohibited.
3. Petroleum Storage.

    a. If petroleum is proposed for storage above ground, a fully contained storage and refueling area shall be provided. Provisions must be made for rain falling in the containment area. A roof is

preferable. For large operations, a covered, impermeable refueling/maintenance area shall be provided;

b. A spill prevention plan shall be maintained and updated; and

4. A reclamation plan shall be provided, maintained, and used.

n. Agriculture/Open Space/Power Lines**.**

1. Soil tests shall be used to determine proper amounts of nutrients and limestone (pH adjustment).
2. Nutrients shall be applied uniformly and only at levels required.
3. Split fertilizer applications should be used for new planting, where possible.
4. A slow release form of fertilizer should be used, where possible.
5. Nutrients shall not be applied to very shallow soils or exposed bedrock.
6. Chemical fertilizer application equipment shall be calibrated.
7. Irrigation shall be scheduled to minimize leaching potential.
8. Limit applications of nitrogen fertilizers to the spring or fall.
9. Nutrients shall not be applied during winter months when ground is frozen or snow covered.
10. Fertilizers and manure shall be stored in properly located and constructed facilities during periods when application is not suitable.
11. All federal and state laws regulating pesticides shall be followed.
12. Material safety data sheets shall be kept accessible.
13. Application of fertilizers and pesticides shall be accomplished by certified applicators.
14. Secure, safe storage shall be provided for used pesticide containers and dispose of containers in accordance from federal and state law.

o. Silvaculture.

1. Silvacultural Chemical Handling and Storage.

a. For the spillage or disposal of oils, fuels, coolants or hazardous wastes on the ground during maintenance or repair, the appropriate collection and disposal of such substances shall take place;
b. The Best Management Practices for Chemical Use and Storage should be followed;
c. The Best Management Practices for Waste Disposal shall be followed; and
d. Salt/sand storage areas shall be covered.

2. Rules Governing District Boundaries.

Where uncertainty exists as to the boundaries of Districts as shown on the Official Zoning Map the following rules shall apply.

A. Boundaries indicated as approximately following the center lines of roads, highways, alleys, railroad rights-of-way, rivers, or streams shall be construed to follow such center lines.
B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
C. Boundaries indicated as approximately following City limits shall be construed as following such limits.
D. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
E. Sources for the delineation of the Special Flood Hazard areas shall be the Caribou Flood Insurance Map.
F. Sources for the delineation of the Aquifer Protection District shall be the latest edition of the Maine Geological Survey "*Hydrogeologic Data for Significant Sand and Gravel Aquifers*".
G. Boundaries indicated as parallel to or extensions of features indicated in subsections A through D above shall be construed as being parallel to or extensions of such features. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
H. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or other circumstances not covered by subsections A through G above, the Board of Appeals shall interpret the District boundaries.

3. Lots Divided by District Boundaries.

When a lot of record is divided by a use District zoning boundary, other than the boundary to an overlay zone, the following rules shall apply:

A. On lots of two (2) acres or less in area, the lot shall be used as if the entire lot were in the District which comprises the larger portion.

B. On lots larger than two (2) acres, the District regulations shall be followed in each portion.

Historical Note: Section 13-203, § 1A (6 & 7) as amended March 26, 2007; Section 13-203, R2-A district dissolved January 11, 2010; Section 13-203 was amended to replace 1996 BOCA with MUBEC February 14, 2011.

Sec. 13-204 District Regulations.

1. Basic Requirement.

Permitted Uses and Uses requiring Site Design Review in all Districts shall conform to all applicable specifications and requirements. A Plumbing Permit, Building Permit, and/or Certificate of Occupancy shall be required for all buildings, uses of land and buildings, and sanitary facilities, according to the provisions of this Ordinance.

2. Land Use Requirements.

Except as hereinafter specified, no building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, or altered and no new lot shall be created unless in conformity with all of the regulations herein specified for the District in which it is located, unless a variance is granted.

~~**3. General Requirements for Specific Districts.**~~

~~**A. All Districts.**~~

~~No stable or barn, where allowed, shall be closer than 100 feet to any property line.~~

~~**B. R-1 and R-2 Districts.**~~

~~1. All premises and exterior property shall be maintained by the property owner or their authorized agent free from weed growth in excess of ten (10) inches. Noxious weeds shall be prohibited.~~

~~2. No motorized vehicle that is not currently or properly registered or which is unserviceable, discarded, worn out, or junked; or motorized vehicle bodies, parts, or engines shall be gathered together or parked upon any residential property, except when the vehicle is within a garage or other structure that complies with the building code of the City.~~

~~3. No motorized vehicle, or parts thereof, shall be displayed or offered for sale, trade, or lease for a period not to exceed ninety (90) days, in aggregate, in a calendar year.~~

~~**C. R-C-2 Commercial District.**~~

~~Any commercial use allowed in the C-1 and C-2 Districts shall be allowed in the RC-2 District.~~

~~4.~~3. District Regulations.

Land uses in conformance with the provisions of this Ordinance are shown in the following table.

~~CEO – Requires both Site Design Review and a permit from the CEO.~~
~~PB – Requires Site Design Review by the Planning Board and a permit from the CEO.~~
~~NO – Not permitted.~~

P – Permitted: Requires CEO Review/Approval
C – Conditional: Requires Planning Board Review/Approval
N – Not Permitted

Historical Note: Section 13-204 §3 as amended March 26, 2007; Section 13-204, R2-A District dissolved January 11, 2010.

Land Use Table – See Attached

Sec. 13-205 Dimensional Requirements.

1. Lots and structures in all Districts shall meet or exceed the dimensional requirements listed below.

2. Height requirements do not apply to barns, barn silos, flagpoles, chimneys, transmission towers, steeples, windmills, cooling towers, elevator bulkheads, sky lights, ventilators, and other necessary appurtenances carried above roofs; nor towers, stacks, spires, if not used for human occupancy; nor to ornamental towers, observatory towers, television and radio broadcasting towers and antennas and similar structures that do not occupy more than twenty-five (25) percent of the lot area; nor to churches and public institutional buildings; nor similar structures, usually erected at a greater height than the principal building, however such accessory structures or appurtenances require a lot line setback distance of no less than its height.

3. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirement, herein. Yards or lots created after the effective date of this Ordinance shall meet or at least the minimum requirements, herein.

4. No part of a yard, or other open space, or off-street parking or loading space required about in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

5. The front yard setback requirements of this Ordinance for dwellings shall not apply to any lot where the average setback on developed lots located wholly or in part within 100 feet on each side of such lot and within the same block and zoning District and fronting on the same street as such lot, is less than the minimum setback required. In such cases the front yard setback on such lot may be less than the reduced setback, but not less than the average of the existing setbacks on the developed lots.

~~6. Dimensional requirements for mobile home park lots are in Sec. 13-408, "Mobile Homes".~~

~~7.~~6. Minimum set back requirements for all Principal and Accessory structures shall be in compliance with Table 13-205-A. Residential R-1 & R-2 zones shall require that structure height be limited to a 3/1 three to one ratio from the side and rear setbacks. Minimum side set back shall be 5' (five feet) and minimum rear setback shall be 10' (ten feet) in the R-1 & R-2 zones.

~~8.~~7. Non conforming Lots of Record, recorded prior to May 1980, in the Residential R-3 zone, consisting of less than one acre (43,560 square feet) shall comply with the dimensional requirements of the R-1 & R-2 zones.

~~9. Definitions~~

~~Lot: A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by an ordinance, and having frontage upon a public street, right-of-way, or private way.~~

~~Lot Area: The land area enclosed within the boundary lines of the lot, not including the area of any land which is: part of a right-of-way for a thoroughfare or easement, such as, but not limited to, surface drainage easements or traveled rights-of-way (but not including any utility easement servicing that lot); or the land below the normal high-water line of a water body; or upland edge of a wetland; or which is a forested or freshwater wetland.~~

~~Lot, Corner: A lot with at least two (2) contiguous sides abutting upon a street or right of way.~~

~~Lot, Coverage: The percentage of the lot covered by all buildings.~~

~~Lot, Interior: Any lot other than a corner lot.~~

~~Lot Lines: The lines bounding a lot as defined below:~~

~~Front Lot Line: On an interior lot, the lot line abutting the street or right-of-way; or, on a corner lot each lot line abutting the street or right-of-way; or, on a through lot, the lot line abutting the street providing primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.~~

~~Rear Lot Line: The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.~~

~~Side Lot Line: Any lot line other than the front lot line or rear lot line.~~

~~Lot, Minimum Area: The required area within a District for a single lot or use.~~

~~Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file in the Aroostook County Registry of Deeds.~~

~~Structure: Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite receiving dishes, but in land areas outside of shoreland areas, signs, sidewalks, patios, driveways, and parking lots are not defined as structures.~~

Historical Note: Section 13-205 was amended March 10, 2008.

Dimensional Requirements Table – See Attached.

Sec. 13-206 Non-Conformance.

1. General.

A. Continuance, Enlargement, Reconstruction: Any non-conforming use, non-conforming lot of record, or non-conforming structure may continue to exist, but may not be extended, reconstructed, enlarged, or structurally altered except as specified below.

B. Transfer of Ownership: Non-conforming structures, non-conforming lots of record, and non-conforming uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

C. Restoration or Replacement: This Ordinance allows the normal upkeep and maintenance of non-conforming uses and structures; repairs, renovations, or modernizations which do not involve expansion of the non-conforming use or structure and the value of which is less than 25 percent of the market value of the structure before the repair is started; and such other changes in a non-conforming use or structure as Federal, State, or local building and safety codes may require. Any non-conforming use or structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or their agent, may be restored or reconstructed within one (1) years of the date of said damage or destruction, provided that:

1. The non-conforming dimensions of any restored or reconstructed structure shall not exceed the non-conforming dimensions of the structure it replaces;
2. Any non-conforming structure shall not be enlarged except in conformity with this Ordinance and the *Maine Subsurface Wastewater Disposal Rules*; and
3. Any non-conforming use shall not be expanded in area.

Nothing in this Section shall prevent the demolition of the remains of any building so damaged or destroyed.

D. Essential Service: Nothing within this Section shall restrict the extension, reconstruction, enlargement, or structural alteration of essential services. All plans for the extension, reconstruction, enlargement, or structural alteration of essential services shall be reviewed by the Planning Board.

E. Shoreland Areas: In designated shoreland areas, any non-conformance shall be required to meet the standards for that non-conformance contained in the Caribou Shoreland Zoning Ordinance.

2. Non-Conforming Use.

A. Resumption Prohibited: A lot, building, or structure in or on which a non-conforming use is discontinued for a period exceeding one (1) year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use, even if the owner has not intended to abandon the use.

B. A Structure Non-Conforming as to Use: Except for single-family dwellings, a building or structure non-conforming as to use shall not be enlarged unless the non-conforming use is terminated. Except in a Resource Protection District of the Caribou Shoreland Zoning Ordinance, single family dwellings, which are non-conforming uses, may be enlarged as long as the dimensional requirements of the District in which they are located are met. A non-conforming use of part of a building or structure shall not be extended throughout other parts of the building or structure unless those parts of the building or structure were manifestly arranged or designed for such use prior to the adoption of this Ordinance, or of any amendment making such use non-conforming.

C. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use is equally or more appropriate to the District than the existing non-conforming use, and the impact on adjacent properties is less adverse than the impact of the former use as determined by the Planning Board ~~of Appeals~~. The case shall be heard as an administrative appeal. The determination of appropriateness shall require written findings on the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. Sec. 13-700 "*General Requirements*" of these Ordinances shall apply to such requests to establish new non-conforming uses.

D. Use of Land: A non-conforming use of land may not be extended into any part of the remainder of a lot of land. A non-conforming use of land which is accessory to a non-conforming use of a building shall be discontinued at the same time the non-conforming use of the building is discontinued.

In the case of earth removal operations, the removal of earth may not be extended as a non-conforming use beyond the required setback lines of the specific lot upon which such operations were in progress when such use became non-conforming, as required by the performance standards for extractive industries. Adjacent lots in the same or different ownership shall not be eligible for exemption under the non-conforming use provisions unless earth removal operations were in progress on these lots before these provisions were enacted.

The provision of required off-street parking for an existing non-conforming use shall not be considered the expansion of the use.

3. Non-Conforming Structures.

Pertaining to dimensional requirements, applications regarding non-conforming use shall be reviewed under the provisions above.

A. Enlargements Controlled: A non-conforming structure shall not be added to or enlarged unless: such addition or enlargement conforms to all the regulations of the District in which it is located; the addition does not increase the non-conformity of the structure; or a variance is obtained. In addition, state laws must be adhered to.

1. Exclusive of the Shoreland Zoning Ordinance which regulates expansions of structures in Shoreland Districts (See: Caribou Shoreland Zoning Ordinance), the addition of an open patio with no structures elevated above ground level shall not constitute the expansion of a non-conforming structure. The addition of steps or the enclosure of an existing deck shall not constitute the expansion of a non-conforming structure. But, the addition of a deck shall constitute the expansion of a non-conforming structure and shall meet all the dimensional requirements of this Ordinance.

2. The placing of a foundation below a lawfully existing non-conforming structure shall not constitute the expansion of the structure so long as the first floor space of the structure is not increased. In shoreland areas, the foundation cannot cause the structure to be elevated by more than three (3) additional feet.

3. Construction or expansion of a foundation under an existing dwelling which expands habitable space shall be considered an expansion and shall be subject to the applicable provisions of the *Maine Subsurface Wastewater Disposal Rules*, latest edition.

4. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30 percent or more, during the lifetime of the structure.

B. Discontinuance: Discontinuance of the use of a legally existing non-conforming structure shall not constitute abandonment of the structure. Conforming use of the structure may be commenced at any time.

C. Lack of Required Parking or Loading Space: A building or structure which is non-conforming as to the requirements for off-street parking and/or loading space shall not be enlarged, added to, or altered unless off-street parking and/or loading space is provided to bring parking and/or loading space into conformance with the requirements of this Ordinance for both the addition or alteration and for the original building or structure, or a variance is obtained.

4. Non-Conforming Lots of Record.

A. Vacant Lots: A vacant non-conforming lot may be built upon provided that such lot is in separate ownership and not contiguous with any other vacant lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variance of setback or other requirements not involving area or width shall be obtained only by action of the Board of Appeals.

A. Built Lots: A non-conforming lot that was built upon prior to the enactment or subsequent amendment of this Ordinance is subject to the following restrictions. The structure(s) may be repaired, maintained, or improved, and may be enlarged in conformity with all dimensional requirements of this Ordinance except lot area, lot width, or lot frontage. If the proposed enlargement of the structure(s) cannot meet the dimensional requirements of this Ordinance a variance shall be obtained from the Board of Appeals.

C. Contiguous Built Lots: If two (2) or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principle use exists on each lot, the non-conforming lots may be conveyed separately or together, providing the State Minimum Lot Size Law and the *Maine Subsurface Wastewater Disposal Rules*, latest edition, are complied with. If two (2) or more principal uses existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot.

D. Contiguous Lots - Vacant or Partially Built: If two (2) or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of those lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if two (2) or more of the lots are vacant or contain only an accessory structure, the lots shall be combined to the extent necessary to meet the dimensional standards, except where rights have vested, or the lots have frontage on parallel roads and state laws are complied with.

E. Lot Width and Area Requirements: If a non-conforming lot of record or combination of lots and portions of lots with continuous frontage in single ownership are on record as of the effective date of this Ordinance, the lands involved shall be considered to be a single parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance. No division of the parcel shall be made which leaves remaining any lot width or area below the requirements stated in this Ordinance.

5. Vested Rights.

Non-conforming use rights cannot arise by the mere filing of a notice of intent to build, an application for building permits, or an application for required state permits and approvals. Such rights arise when substantial construction of structures and development infrastructure improvements for City approved subdivisions began prior to or within twelve (12) months of the adoption of this Ordinance, or in the case of pending applications when substantial review of an application has commenced. Such construction must be legal at the time it is commenced and the owner must be in possession of and in compliance with all validly issued permits, both state and local.

Sec. 13-300 Site Design Review Ordinance.

1. Title.

This Section shall be known and may be cited as the "*Site Design Review Ordinance of the City of Caribou*".

2. Administration.

The Planning Board of the City of Caribou shall administer this Section.

Sec. 13-301 Applicability of Site Design Review.

1. Site Design Review in conformity with the criteria and standards of this Section shall be required for the following:

A. Uses in each District which require Site Design Review as identified in the land use chart, above;
B. A change in use when the new use is subject to Site Design Review;
C. Resumption of conforming uses which have been discontinued for at least one (1) year which would require Site Design Review if being newly established;
D. The construction of a commercial building, industrial building, or other non-residential building when the gross impervious surface is 6000 square feet or greater;
E. The addition(s) to a commercial building, industrial building, or other non-residential building, having a total gross floor area in excess of four thousand (4000) square feet cumulatively within a three (3) year period;

F. The construction of any parking area(s) in excess of ten (10) parking spaces;
G. The construction of any impervious surface in excess of four thousand (4000) square feet cumulatively within a three (3) year period;
H. The alteration of a water course, ditch, or swale;
I. The change of use of any portion of any existing building or structure in excess of four thousand (4000) square feet cumulatively within any three (3) year period;
J. The change in on-site vehicle access of any existing parking lot or driveway; or
K. Filling, grading, or excavation projects which move in excess of one thousand (1000) cubic yards of materials.

2. Site Design Review shall not be required for:

A. Single-family and two-family (duplex) residential dwelling unit development, including their basement excavations.
B. Multi-family, cluster, and mobile home park development, including their basement excavations. (It shall be noted that multi-family, cluster, and mobile home park development, including their basement excavations will require subdivision review.)
C. The normal and customary repairs, replacement, and/or maintenance not requiring structural elements, decorative changes in existing structures or buildings, provided that the activity is in conformance with federal, state, and/or local laws and does not involve any other physical modifications or changes requiring a permit under this Ordinance.
D. The normal and customary practices and structures associated with agriculture and borrow pits approved or established prior to the effective date of this Ordinance.

Sec. 13-302 Site Design Review Procedure and Requirements.

1. Site Design Approval.

A. All applicable development projects shall require the review and approval of the Planning Board or CEO as provided by this Ordinance.

B. A public hearing ~~may~~ shall be scheduled for any application if the proposed development poses the potential for significant impacts to municipal facilities or natural resources. Said hearing shall be conducted prior to final action on the application.

B. All site design approvals shall expire within one (1) year of the date of final approval, unless work thereunder is

commenced and 50 percent of the approved Plan is completed and an extension is approved by the CEO for an additional year. If work is not completed within two (2) years from the date of final approval, a new application must be made. There will be no additional charge.

D. In the event that a site design is recorded with the Registry of Deeds without final approval, the design shall be considered null and void, and the CEO shall institute proceedings to have the design stricken from the records of the Registry of Deeds. Any site design not recorded in the Registry of Deeds within ninety (90) days of the date of final approval shall become null and void.

E. Final approval of a site design shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the Plan to be dedicated to the municipality, approval of the design shall not constitute an acceptance by the municipality of such areas. The CEO or Planning Board shall require the design to contain appropriate notes to this effect. The CEO or Planning Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

2. Site Design Notification.

~~A.~~ The CEO or the CEO's designee ~~City Clerk shall~~ notify all property owners within (500) feet of the property involved and such other property owners as the CEO or Planning Board may deem necessary. ~~It shall be the responsibility of the applicant to supply the names and mailing addresses of the abutting or other identified property owners. Failure to provide full~~

A. ~~documentation could delay the application.~~ The notice shall include a description of the nature of the applicant's proposal and the time and place of any meeting or the public comment time period required.

B. The ~~City Clerk~~notice shall ~~notify~~ inform the identified property owners of the application at least fourteen (14) days before the first workshop meeting ~~and~~ or first public meeting~~, if a public meeting is necessary,~~ where the application will be discussed. A final decision shall not be made on the application for a period of thirty (30) days after the date the CEO or Planning Board has determined that the application is complete to provide an opportunity for public comment.

C. Notice shall be published in a local newspaper at least 7 days before the date of the meeting and displayed in 1 place of general public access. ~~The agenda of any meetings shall be published in a local newspaper at least seven (7) days before the date of the meeting and displayed in two (2) places of general public access.~~ The ~~agenda~~ notice shall include a brief description of the application and the Ordinance(s) by which the proposal is to be reviewed.

3. Fees and Guarantees.

A. ~~An application for site design approval shall be accompanied by a fee of ninety dollars ($90) plus ten dollars ($10) per 2,000 square feet of total gross floor area for commercial, industrial, or other non-residential applications~~The fee shall be set by the City Council. This application fee shall be made payable to the "*City of Caribou*" and shall not be refundable.

B. The CEO or Planning Board may request the City Council require that an expert consultant(s) review one or more submissions of an application and report as to compliance or non-compliance with this Ordinance, and advise if necessary, of procedures which will result in compliance. The consultant shall estimate the cost of such review and the applicant shall deposit with the municipality the full estimated cost which the municipality shall place in an escrow account. The municipality shall pay the consultant from the escrow account. If the balance in the escrow account is drawn down by 75 percent, the CEO shall notify the applicant and require an additional amount. Any balance in the account remaining after a final decision on the application has been rendered shall be returned to the applicant. The consultants shall be fully qualified to provide the required information and shall be mutually acceptable to the municipality and the applicant.

C. At the time of final approval, the applicant may be required to tender a performance guarantee (See: Sec. 13-750, "*Performance Guarantees*") adequate to cover the total costs of all required improvements, taking into account the time-span of the guarantee and the effects of inflation upon costs. The conditions and amount of the guarantee shall be reasonably necessary to ensure the completion of all improvements required as condition of approval of the application, in such form as approved by the CEO or Planning Board and the City Council. The municipality shall have access to the site to review the progress of the work and shall have the authority to review all records and documents related to the project.

D. The applicant shall provide a one year defect bond upon completion of all public improvements. The amount of the defect bond shall be ten percent (10%) of the amount of those public improvements approved as part of the site design. The bond shall be placed in an account in the municipality's name. The bond, including accrued interest, remaining in the account and which has not been spent or appropriated shall be returned to the applicant within three-hundred and sixty-five (365) days from date of final approval.

E. Irrespective of any other provision of this Ordinance, the application shall not be considered complete if the applicant fails to pay any of the fees, bonds, or guarantees, or appeals any fee, bond, or guarantee determination. If the applicant appeals the payment of any fees, bonds, or guarantees to the Board of Appeals, the Board shall decide whether the fee, bond, or guarantee is reasonable for the purpose found necessary. The fee, bond, or guarantee shall be placed into an appropriate account in the municipality's name. The money, including any accrued interest, remaining in the account and which has not been spent or appropriated, shall be returned to the applicant within thirty (30) days from date of final approval.

4. Site Design Application and Review Process.

A. A person informed by the CEO that they require site design review approval shall file a site design review application with the CEO on forms provided for the purpose. It shall be the responsibility of the applicant to demonstrate that the proposed use meets all of the design criteria and standards, herein.

B. All applications shall be made by the owner of the property or their agent, as designated in writing by the owner. A site design application must be diligently pursued from the date of submission.

C. The CEO shall make an initial determination of the completeness of all applications. An application requiring review and approval by the Planning Board shall be subject to the final determination by the Planning Board. An application requiring review and approval by the CEO shall be subject to the final determination by the CEO. Any application which the CEO initially determines to be incomplete shall be returned to the applicant by the CEO with a written notice of the additional information required. The written notice shall set forth those items which need to be submitted and that the applicant will have one hundred and twenty (120) days to complete the application. If the applicant fails to submit any item specified within the one hundred twenty (120) days of the date of said notice from the CEO, the application shall expire and shall be deemed null and void. Nothing in this Section shall prevent the CEO from requiring additional information as otherwise permitted or required by the terms of this Ordinance. At such time that the additional information has been supplied, the CEO shall pass the application on for review and final determination of completeness.

D. An application shall not be considered as having pending status and shall be subject to changes in local, state, or federal laws until at which time it has been determined to be a complete application.

E. The CEO or Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The cost of all such studies shall be borne by the applicant.

F. The following application process shall be followed to facilitate site design review.

1. CEO Determination

~~1.~~ Upon receipt of an application for site design review, the CEO shall determine and schedule the development for either concept or Final Plan review. The CEO may advise the applicant whether Concept Plan review is appropriate prior to submission of a Final Plan; however, the applicant shall determine whether to seek concept or Final Plan review prior to submitting an application for Final Plan review. Neither concept or Final Plan review shall occur unless there is evidence that the required public notice has been given and the material required by this Ordinance is filed in a timely manner. The application is distributed to the appropriate municipal departments. Final determination as to the completeness of applications for Concept Plan and Final Plan review shall be made by the CEO or Planning Board, whichever is the reviewing authority.

2. Concept Plan Review.

Concept Plan review is intended to provide the applicant with an opportunity to discuss the proposed development; obtain CEO or Planning Board comments prior to expending significant resources in furtherance of specific development plans; and gain an understanding of the review procedures, requirements, and standards. The CEO or Planning Board may identify issues that are to be addressed in the Final Plan application. No decision is made during Concept Plan review.

3. Final Plan Review.

Within sixty (60) days after determining that an application is a complete, a public hearing on the proposed development may be called if the development poses the potential for significant impacts to municipal facilities or natural resources, or either the applicant, CEO, or the Planning Board determines that additional workshops are necessary. The CEO or Planning Board shall issue a written decision approving, approving with conditions, denying, or tabling the Final Plan,. If the CEO or Planning Board tables the item, an additional public hearing must be held. If the CEO or Planning Board shall vote to approve the site design application, the CEO shall issue a permit, provided that all other requirements of the Ordinance are met.

4. Statement of Findings.

All findings and decisions by the CEO or Planning Board denying or conditionally approving any site design shall be made in writing or reduced to writing within thirty (30) days of the decision and shall state the reason(s) therefore sufficient to appraise the applicant and any interested member of the public of the basis for the decision. The decisions regarding site designs are appealable by the applicant or an abutter to the Board of Appeals. Decisions of the Board of Appeals are appealed to the Superior Court.

5. Applications Requiring Other Public Agency Review.

a. The CEO or Planning Board may approve complete final applications subject to the condition that all necessary permits be received from agencies such as, but not limited to, the Army Corps of Engineers, Maine Department of Environmental Protection, Maine Department of Transportation, or Maine Department of Human Services. However, the CEO or Planning Board may require that approvals required by state or federal law be submitted to the municipality prior to final approval upon finding that the permits from state or federal agencies may have a significant effect on the site design application.

b. The CEO or Planning Board may request copies of the application to be forwarded to other municipal committee(s). The comments of the committee(s) are advisory to the CEO or Planning Board and shall pertain to the application's conformance with the review criteria of this Ordinance. The CEO or Planning Board may postpone final decisions regarding the application until such time as the comment from the municipal committee(s) has been submitted.

5. Site Design Application Requirements.

A. Required Number of Copies.

Final application for site design review shall consist of five (5) copies of the required information. The applications are to be submitted to the CEO no later than twenty-one (21) days prior to the meeting at which the item is to be heard.

B. Concept Plan.

1. The CEO or Planning Board may review applications as a Concept Plan. These are applications that do not meet the Final Plan requirements. At a minimum, Concept Plan applications shall include the following information:

a. Concept Plan Requirements.

1. Name and address of the owner of record and applicant (if different);
2. Name of the proposed development;
~~3. Names and addresses of all property owners within 500 feet of the edge of the property line and others indicated by the Planning Board as being impacted;~~
~~4.~~3. Names and addresses of all consultants working on the project;
~~5.~~4. Graphic scale and north arrow;
~~6.~~5. A copy of the deed to the property, option to purchase the property, or other documentation to demonstrate right, title, or interest in the property on the part of the applicant;
~~7.~~6. Location and dimensions of any existing or proposed easements and copies of existing covenants or deed restrictions;
~~8.~~7. Name, registration number, and seal of the land surveyor, architect, engineer, and/or similar professional who prepared the Plan;
~~9.~~8. All property boundaries, land area, and zoning designations of the site, regardless of whether all or part is being developed at this time;
~~10.~~9. Size, shape, and location of existing and proposed buildings on the site including dimensions of the buildings and setbacks from property lines;
~~11.~~10. Location and layout design of vehicular parking, circulation areas, loading areas, and walkways including curb cuts, driveways, parking space and vehicle turn around area dimensions;
~~12.~~11. Location and names of streets and rights-of-way within and within 200' adjacent to the proposed development;
~~13.~~12. Proposed finish grades and graphic arrows indicating the direction of storm water runoff;
~~14.~~13. Conceptual treatment of on and off site storm water management facilities;
~~15.~~14. Location and sizes of existing and proposed sewer and water services including connections;
~~16.~~15. Conceptual treatment of landscaping buffers, screens, and plantings;
~~17.~~16. Location of outdoor storage areas, fences, signs (front view and dimensions) , advertising features, and solid waste receptacles;

~~18.~~17. Context map illustrating the area surrounding the site which will be affected by the proposal including all streets, sidewalks, intersections, storm water drainage ways, sanitary sewer lines and pump stations, nearby properties and buildings, zoning Districts, and geographic features such as, but not limited to, wetlands, natural features, historic sites, flood plains, significant scenic areas, and significant wildlife habitats as provided in the Comprehensive Plan; and

~~19.~~18. Plans for all proposed exterior lighting including the location, type of light, radius of light, manufacturer's specifications sheet, and the ground level intensity in foot-candles.

b. Project Description.

The project description is to describe the proposal, its scheme of development, and proposed land uses. The project description shall also include estimates from qualified professionals as to the anticipated gallons per day of wastewater, the number of vehicles entering and leaving the site during the day (and at peak traffic hours), the increased amount of stormwater runoff, and the rate of the stormwater runoff of the post-development site.

C. Final Site Design Plan.

The Final Site Design Plan application shall include all information required in the Concept Plan requirements, above and in addition shall require the following information:

1. Boundary Survey. Prepared by a licensed Maine surveyor indicating the boundaries, artificial monuments, encumbrances, and topography of the site.

2. Stormwater Management Plan. Prepared by a Maine Registered Engineer analyzing the proposal's impact on existing stormwater facilities and watersheds. The stormwater management plan shall include a map of all watersheds significantly impacted by the proposal and identify all areas of existing or anticipated flooding, locations of existing and proposed culverts, pipes, detention ponds, and flow restrictions to be affected by the proposal. The stormwater management plan shall comply with the review criteria found in this Ordinance.

3. Finish Grading Plan. Prepared by a Maine Registered Engineer or landscape architect indicating the final grading of the site, the amount of fill to be imported to or exported from the site, and graphic arrows indicating the direction of storm water run off.

4. Site Improvement Details. Including sufficient information to enable the creation of an itemized cost estimate for all required on/or off site improvements.

5. Building Elevations. Scale plans of exterior building surfaces including materials, doorways, and advertising features.

6. Additional Information. Additional information as deemed necessary to review the proposal's conformance with the site design review criteria and Sec. 13-700, "*General Requirements*". Additional information may address items such as, but not be limited to, traffic, wetlands, high intensity soils, environmental analyses, or the interpretation of the data by municipal consultants. Additional information shall be financed pursuant to the consulting fees of this Ordinance.
7. General topography of the site.
8. High intensity soils classifications of the soils located on the site.
9. A copy of any variances granted or deed restrictions on the subject use or property. Such variances and/or restrictions shall be noted on the final (recording) copy of the plan.

D. Waiver of Required Information.

The CEO or Planning Board may waive the submittal of required application materials upon finding that the specific information is unnecessary in order to review the application's conformance. Such waiver(s) shall be noted on the final (recording) copy of the plan.

E. Final Copies of the Plan.

The applicant shall submit three (3) signed copies of the final approved plan to the CEO. One copy shall be forwarded to the Planning Board as part of its permanent records. One copy shall be forwarded to the Tax Assessor. One copy shall be kept by the CEO.

Historical Note: Section 13-302 §3A as amended April 24, 2006.

Sec. 13-303 Site Design Review Criteria.

The following criteria shall be utilized by the CEO or Planning Board in reviewing applications for site design approval. The standards are not intended to discourage creativity, invention, or innovation. The CEO or Planning Board may waive the criteria presented in this subsection upon a determination by the CEO or Planning Board that the criteria are not applicable to the proposed development or are not necessary to carry out the intent of this subsection. The CEO or Planning Board shall approve or approve with conditions the site design plan, unless the plan does not meet the intent of the following criteria and standards.

A. Conformance with Comprehensive Plan. The proposed development shall be located and designed in such a manner as to be in conformance with the municipality's comprehensive plan.

B. Traffic. The proposed development will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways, public roads or pedestrian walkways existing or proposed. Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. The Planning Board may require mitigation when the proposed development is anticipated to result in a decline in service, below Level of Service "C", of nearby roadways of intersections. Levels of service are defined by the Highway Capacity Manual, Special Report #209, published by the Research Board, National Research Council, Washington DC, 1985. If an existing intersection is functioning at a Level of Service of "D" or lower prior to the development, the project shall not reduce the current level of service. A copy of the application shall be provided to the appropriate municipal authority(s), and to the Maine Department of Transportation if on a state maintained road, for timely review and comment. The Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:

1. A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard; or
2. The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will guarantee the completion of the improvements within one (1) year of project approval.

C. Site Access. Vehicular access to the development shall provide for safe and convenient access and shall be in conformance with Sec. 13-710, "*Access Management,…*". A copy of the application shall be provided to the appropriate municipal authority(s), and to the Maine Department of Transportation if on a state maintained road, for timely review and comment.

D. Parking and Vehicle Circulation. The proposed development provides for adequate parking and vehicle circulation and shall be in conformance with Sec. 13-710, "*Access Management,…*". A copy of the application shall be provided to the appropriate municipal authority(s) for timely review and comment. The layout of the site shall provide for the safe movement of passenger, service, and emergency vehicles throughout the site.

1. Projects shall provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for vehicles expected to use the facility.
2. Clear routes of access shall be provided and maintained for emergency vehicles to all portions of the site and shall be posted with appropriate language.
3. The layout and design of dedicated parking areas provided on-site or within a reasonable walking distance from the site shall provide for safe and convenient circulation of vehicles throughout the lot, shall prohibit vehicles from backing out onto a street.

4. All streets and accessways shall be designed to follow the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, delivery and collection services.

E. Pedestrian Circulation. The development plan should provide for a system of pedestrian circulation within the development. The system shall connect with existing sidewalks if they exist in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system shall be designed to link residential units with recreational and commercial facilities, other common facilities, school bus stops, existing sidewalks in the neighborhood, and shall be in conformance with Sec. 13-710, "*Access Management,...*" and Sec. 13-700 (28), when applicable. A copy of the application shall be provided to the appropriate municipal authority(s) for timely review and comment.

F. Site Conditions.

1. During construction, the site shall be maintained and left each day in a safe and sanitary manner. The site area shall be regularly sprayed to control dust from construction activity.
2. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon request and to the satisfaction of the CEO.
3. No changes in elevation shall be made of any lot or site by the removal of earth to another lot or site other than as shown on an approved site design plan. Minimal changes in elevations or contours necessitated by field conditions may be made only after approval has been obtained from the CEO.

G. Open Space.

1. Common open space shall be contiguous, where possible.
2. Common open space as shown on any approved development plan shall contain a notation that common open space areas shall not be further developed for any other use.
3. When reviewing the location and type of open space designated in an application, the Planning Board shall require:

    a. Individual lots, buildings, streets, and parking areas shall be designed and situated:

        1. To minimize alterations of the natural site;
        2. To avoid the adverse effects of shadows, noise, and traffic on the residents of the site; and
        3. To relate to the surrounding properties, to improve the view from and of buildings.

    b. Diversity and originality in lot layout and individual building, street, parking, and lot layout shall be encouraged.
    c. Open space shall include irreplaceable natural features located on the tract (such as, but not limited to, stream beds, significant stands of trees, individual trees of significant size, and rock outcroppings).
    d. Open space intended for recreation or public use shall be determined by the size, shape, topographic, and location requirements of the site.

H. Sanitary Sewage. A sanitary sewer system shall be installed at the expense of the developer, or, if in the opinion of the Planning Board, service by a sanitary sewer system is not feasible, the Board may allow individual subsurface wastewater disposal systems to be used. The proposed development will not cause an unreasonable adverse effect to the municipal sewerage treatment facilities and will not aggravate an existing unhealthy situation. A copy of the application shall be provided to the sewer authority for timely review and comment. (See: Sec. 13-700 (27))

1. Upstream sewage flows shall be accommodated by an adequately sized system through the proposed development for existing conditions and potential development in the upstream area or areas tributary to the proposed development.
2. When not serviced by a public sewerage system, the approval of a application shall be subject to presentation of a completed site evaluation form (HHE-200) which evidences adequate soil conditions for on-site waste water disposal. All individual on-site systems shall be designed by a Maine licensed soil evaluator in full compliance with the Maine State Plumbing Code, as amended. Upon the recommendation of the local Plumbing Inspector, the Planning Board may require the location on the individual lots of reserve areas for replacement systems.

I. Water. The development shall be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water. The proposed development will not cause the depletion of local water resources or be inconsistent with the service plan of the Caribou Utilities District. A copy of the application shall be provided to the District for timely review and comment. (See: Sec. 13-700 (37))

J. Emergency Vehicle Access. All site design applications shall be reviewed by the Fire Chief or their designee and shall receive the approval for conformance with Sec. 13-710, "*Access Management,…*". The proposed development shall be located and designed in such a way as to provide and maintain convenient and safe access and response time for emergency vehicles or mitigates inadequate access or response time by providing adequate safety features as part of the proposed development.

K. Waste Disposal. The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes. A copy of the application shall be provided to the solid waste coordinator for timely review and comment. (See: Sec. 13-700 (6))

1. All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
2. All hazardous waste shall be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.
3. All commercial and industrial developments shall devote floor space suitable to accommodate two (2) recycling containers designed to hold at least one cubic yard of recyclable materials.

L. Buffering. The proposal provides for adequate on-site buffering in the vicinity of property boundaries, when required. On-site buffering is required:

1. Wherever commercial, industrial, or other non-residential development is proposed adjacent to or across a street from residential or agricultural uses or Districts; and
2. As required by Sec. 13-700, (5).

M. Natural Areas. The proposal does not cause significant adverse impacts to natural resources or areas such as wetlands, significant geographic features, significant wildlife and marine habitats, and natural fisheries. A copy of the application shall be provided to the Maine Department of Inland Fisheries and Wildlife and to the local office of the Maine Department of Environmental Protection for timely review and comment. The proposal shall be consistent with the recommendations of the Departments. (See: Sec. 13-700 (14))

N. Exterior Lighting. All exterior lighting shall be designed to encourage energy conservation and efficiency, to ensure the safe movement of people and vehicles, to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public and shall be in conformance with Sec. 13-700 (11).

O. Stormwater Management. The plan provides for adequate storm water management facilities so that the post development runoff rate will be no greater than the predevelopment rate, the removal of storm water will not adversely affect neighboring properties, and that there is no adverse downstream impact. Proposed storm water detention facilities and calculations shall provide for the control of twenty-five year storm frequency rates. On-site absorption shall be utilized to minimize discharges whenever possible. The design, construction, and maintenance of private facilities are not anticipated to cause the expenditure of additional municipal resources for maintenance of private storm water management facilities. Maintenance responsibilities shall be reviewed to determine their adequacy. Emphasis shall be placed on the protection of floodplains and wetlands; preservation of stream corridors; establishment of drainage rights-of-way; and the adequacy of the existing system; and the need for improvements, both on and off site, to adequately control the rate, volume, and velocity of storm drainage. (See: Sec. 13-700 (30))

P. Erosion and Sedimentation Control. The proposed development includes adequate measures to control erosion and sedimentation and will not contribute to the degradation of nearby streams, water courses, or lowlands by virtue of soil erosion or sedimentation. The erosion control measures are to be in conformance with the most current standards of the Maine Soil and Water Conservation Commission. The following measures shall be included where applicable as part of any site design review and approval. (See: Sec. 13-700 (10))

1. Stripping of vegetation, regarding or other development shall be done in such a way as to minimize erosion.
2. Development shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with the topography so as to create the least amount of erosion potential, and so as to adequately handle surface water run-off.
3. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.
4. Disturbed soils shall be stabilized as quickly as practical.
5. Temporary vegetation, mulching, or other acceptable measures shall be used to protect exposed critical areas during development.
6. The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.
7. Until the disturbed area is stabilized, sediment in the run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable measures.
8. Whenever sedimentation is caused by stripping vegetation, regarding or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses, and to repair any damage at their expense as quickly as possible.
9. Any activity on a stream, watercourse, or swale or upon a floodway or right-of-way shall comply with the Caribou Shoreland Zoning Ordinance and the State's Natural Resources Protection Act, Title 38 MRSA, §480A-480S. Any such activity shall be conducted in such a manner so as to maintain as nearly as possible the present state of the stream, watercourse, swale, floodway, or right-of-way for the duration of the activity and shall be returned to its original or equal condition after such activity is completed.
10. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

Q. Buildings. The bulk, location, and height of proposed buildings or structures will not cause health or safety problems to existing uses in the neighborhood, including without limitation those resulting from any substantial reduction in light and air or any significant wind impact.

R. Existing Landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing to the greatest extent feasible any disturbance or destruction of significant existing vegetation, including mature trees over four (4) inches in diameter measured at 4.5 feet from ground level, soils, and significant vegetation buffers. If a site includes a ridge or ridges above the surrounding areas and provides for scenic vistas for surrounding areas, special attempts shall be made to preserve the natural environment of the skyline of the ridge. Existing vegetation and buffering landscaping are potential methods of preserving scenic vistas.

S. Infrastructure. The proposed development shall be designed so as to be consistent with off premises infrastructure, such as but not limited to, sanitary and storm sewers, waste water treatment facilities, roadways, sidewalks, trail systems, and street lights, existing or planned by the municipality.

T. Advertising Features. The size, location, design, color, texture, material, and lighting of all permanent signs and outdoor lighting fixtures shall not detract from the design of proposed buildings or neighboring properties and shall be in conformance with the requirements for signs within these Ordinances. (See: Sec. 13-700 (29))

U. Design Relationship to Site and Surrounding Properties. The proposed development provides a reasonably unified response to the design constraints of the site and is sensitive to nearby developments by virtue of the location, size, design, and landscaping of buildings, driveways, parking areas, storm water management facilities, utilities storage areas, and advertising features.

V. Scenic Vistas and Areas. The proposed development shall not result in the loss of scenic vistas or visual connection to scenic areas as identified in the municipality's comprehensive plan.

W. Utilities. Utilities such as natural gas, propane, electric, telephone, and cable TV services located above ground shall be located so as not to be unsightly or hazardous to the public and shall be landscaped or otherwise buffered so as to screen the components from public view. The underground placement of utilities is encouraged. (See: Sec. 13-700 (35))

X. Mineral Exploration. Mineral exploration to determine the nature and extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance. A permit from the Planning Board shall be required for mineral exploration which exceeds the above limitations. (See: Sec. 13-730)

Y. General Requirements. The proposed development meets the requirements of Sec. 13-700, "*General Requirements*"., except as may be waived by the CEO or Planning Board.

Z. Phosphorus Export. Proposed development within the watershed of a lake or pond shall be designed to limit phosphorous runoff. The Planning Board shall keep an accurate record of permits issued by watershed using an appropriate record keeping system, and shall review actual development rates and recommend adjustments at five year intervals, subject to a reasonable appropriation by the municipality to conduct such an assessment, or the availability of adequate state or regional grant programs or technical assistance programs. Phosphorus export from a proposed development shall be calculated according to the procedures defined in "*Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*", (Maine DEP et. Al., 1989, as amended). Phosphorus control measures shall meet the design criteria contained in "*Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*", (Maine DEP et. Al., 1989, as amended). The Planning Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing road lengths, and shall encourage the use of non-structural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds. (See: Sec. 13-700 (16))

Sec. 13-304 General Requirements for Site Designs.

The "*General Requirements*" contained in Sec. 13-700 and the "*Access Management, Off-Street Parking, Loading, and Road Design and Construction*" contained in Sec. 13-710, as applicable, shall apply to all proposed development. The term "development" used within these Sections shall mean both site design and subdivision proposals. Where the CEO or Planning Board finds that due to special circumstances of a particular plan, the provision of a technical standard, which is not requisite in the interest of public health, safety, and general welfare, may be waived.

Sec. 13-305 Conditional Approval of Site Designs.

A. The CEO or Planning Board may impose any condition upon approval of any site design for the following reasons:

1. To minimize or abate, to the extent feasible, any adverse impact of the proposed development on the value or utility of other private property, or on public property or facilities; or
2. To bring the development into compliance with the requirements of these Ordinances; or
3. To mitigate any other adverse effects of the proposed development.

B. Such conditions may include, but are not limited to, the imposition of a time limit for the conditional use; the employment of specific engineering, construction, or design technologies; modes of operation or traffic patterns; and may also include the construction of on or off site improvements including, without limitation, roads, intersection improvements, sidewalks, sewers, and drainage courses. All such conditions shall be consistent with the purposes set forth in this Ordinance.

Sec. 13-306 Revisions to Approved Site Plans.

The site shall be developed and maintained as depicted in the approved site design and the written submission of the applicant. Modification of any approved site design shall require the prior approval of a revised site design by either the CEO or Planning Board, whomever conducted the initial review~~., pursuant to the terms of this Ordinance~~. Modifications to an approved site design review plan may require a public hearing with proper notice being given as outlined in 13-302(2). Any such parcel lawfully altered prior to the effective date of this Ordinance shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site design, including but not limited to, topography, vegetation, and impervious surfaces shown on the site design. Field changes for site designs may be made by the CEO and are limited to minor variations necessary to deal with unforeseen difficulties that arise during the course of construction involving such technical detail as utility location and substitution of equivalent plantings and shall not include any substantial alteration of the approved plan or change any condition imposed by the Planning Board.

Sec. 13-307 Post Application Submissions.

Following site design approval and prior to issuance of any permit, the applicant shall submit copies, including at least one digital copy of the contract plans and specifications, in reproducible form, showing the design of all infrastructure improvements, including without limitation all streets, sewers, drainage structures, and landscaping, to the CEO for review and approval for compliance with the municipality's construction standards. Thereafter, all departures from such plans may be approved by the CEO as "field changes", subject to *Revisions of Approved Site Designs*, above. Nothing herein shall diminish the obligation of the applicant to supply plans or specifications as provided in this Ordinance.

Sec. 13-400 Subdivision Ordinance.

1. Title.

This Section shall be known and may be cited as "*Subdivision Ordinance of the City of Caribou.*"

2. Administration.

The Planning Board of the City of Caribou shall administer this Section.

Sec. 13-401 Applicability of Subdivision Review.

1. Subdivision review, in conformity with the procedures, criteria, and standards of this Section, shall be required for all developments that meet the definition of "Subdivision" as contained within Sec. 13-900, "*Definitions*".

2. Subdivision review does not apply to:

   A. Proposed subdivisions approved by the Planning Board or City Council before September 23, 1971 in accordance with laws then in effect;
   B. Subdivisions in actual existence on September 23, 1971 that did not require approval under prior law; or
   C. A subdivision, a plan of which had been legally recorded in the Aroostook County Registry of Deeds, before September 23, 1971.

Sec. 13-402 Procedures for Subdivision Review.

1. Introduction. Every applicant for subdivision approval shall submit a written application to the Code Enforcement Officer (CEO). Applications can be obtained from the CEO. The Planning Board shall review all requests for subdivision approval. On all matters concerning subdivision review the Planning Board shall maintain a permanent record of all its meetings, proceedings, and correspondences. In order to establish an orderly, equitable, and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Planning Board shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than seven (7) days in advance of the meeting, be distributed to the Planning Board members, and be posted at the City Office. Applicants shall request to be placed on the Planning Board's agenda at least ten (10) days in advance of a regularly scheduled meeting by contacting the CEO. Applicants who attend a meeting, but who are not on the Planning Board's agenda may be heard but, only after all agenda items have been completed, and then only if a majority of the Planning Board so votes. However, the Planning Board shall take no action on any application not appearing on the Planning Board's written agenda.

2. Joint Meetings. If any portion of a subdivision crosses City boundaries, the Planning Board from each municipality shall meet jointly to discuss the application.

3. Resubdivision. The further division of a lot within a subdivision, as defined herein, existing after September 23, 1971, or the change of a lot size therein, or the relocation of any road or lot line within a subdivision shall require the written approval of the Caribou Planning Board. Such resubdivision activity shall comply with all provisions of this Ordinance.

4. Additional Regulation. The Planning Board may, after a public hearing, adopt, amend, or repeal additional reasonable regulation governing subdivisions which shall control until amended, repealed, or replaced by an Ordinance adopted by the City Council. The Planning Board shall give at least seven (7) days notice of this hearing.

5. **Review Procedure.** This Ordinance shall provide for a multi-stage application review procedure consisting of three (3) stages:

   a. Pre-application and sketch plan,
   b. Preliminary Plan, and
   c. Final Plan.

Sec. 13-403 Pre-Application Meeting and Sketch Plan Procedures.

1. **Purpose.** The purpose of the pre-application meeting and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Planning Board and receive the Planning Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.

2. **Procedure.**

   A. Application: All applications for sketch plan review of a subdivision shall be obtained from and be made through the CEO.

   B. Sketch Plan: The sketch plan shall show, in simple sketch form, the proposed layout of roads, lots, buildings, and other features in relation to existing conditions. The sketch plan, which does not have to be engineered and may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It shall be most helpful to both the applicant and the Planning Board for site conditions such as steep slopes, wet areas, and vegetative cover to be identified in a general manner. The sketch plan shall be accompanied by:

      1. A copy of a portion of the USGS topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than ten (10) acres in size; and

      2. A copy of that portion of the Aroostook County Soil Survey covering the subdivision, showing the outline of the proposed subdivision.

   C. Inspection: Within thirty (30) days of the pre-application meeting, the Planning Board shall hold an on-site inspection of the property. The applicant shall place "flagging" at the centerline of any proposed roads, and at the approximate intersections of the road centerlines and lot corners, prior to the on-site inspection. Lot line flags shall be different colors from the centerline flags. The Planning Board reserves the right to postpone the on-site inspection if the Planning Board determines that the on-site inspection is not possible due to surface conditions of the site, such as, but not be limited to, snow cover, flooding rains, and frozen ground.

   D. The applicant shall present the sketch plan and make a verbal presentation regarding the proposed subdivision at the first regularly scheduled Planning Board meeting when time is available. Following the applicant's presentation, the Planning Board may ask questions and make suggestions to be incorporated by the applicant into the Preliminary Plan application.

   E. Contour Interval: Contour intervals are required on the Preliminary Plan. ~~At the pre-application meeting or when the applicant decides to proceed to the next stage of subdivision review, the Planning Board shall inform the applicant in writing of the required contour interval on the Preliminary Plan~~. Contour lines shall be drawn at 10' intervals, unless indicated otherwise by the Planning Board.

3. **Rights Not Vested.** The pre-application meeting, the submittal for review of the sketch plan, or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1, MRSA, §302.

4. **Establishment of File.** Following the pre-application meeting, the Planning Board and the CEO shall establish a file for the proposed subdivision. All correspondence and submissions regarding the pre-application meeting and application shall be maintained in the file.

Sec. 13-404 Preliminary Plan Procedure and Requirements.

1. Preliminary Plan Procedure.

A. Within six (6) months after the pre-application sketch plan meeting by the Planning Board, the applicant shall submit an application for approval of a Preliminary Plan at least ten (10) days prior to a scheduled meeting of the Planning Board. Applications shall be submitted to the CEO for review for completeness and passed on to the Planning Board for final determination of completeness. All applications for Preliminary Plan approval for a subdivision shall be accompanied by an application fee ~~of one hundred eighty dollars ($180) for three (3) lots, plus ten dollars ($10) for each additional lot~~as determined by the City Council, payable by check to the "*City of Caribou*". The Preliminary Plan shall approximate the layout shown on the sketch plan, plus any recommendations made by the Planning Board. Failure to do so shall require resubmission of a sketch plan to the Planning Board.

B. A copy of all application materials shall also be forwarded to the Chair of the City Council for review and comment.

C. The Planning Board may require that an expert consultant(s) be hired to assist in its review of an application. The applicant shall pay a reasonable fee necessary for such services. The Planning Board shall provide the applicant with notice of its intent to require such a fee, the purpose of the fee, and its approximate amount. The applicant shall be given an opportunity to be heard on the purpose and the amount before the Planning Board. After either being heard or waiving the right, the applicant shall pay the fee or appeal payment of the fee to the Board of Appeals.

D. Irrespective of any other provision of this Ordinance or any other ordinance, the Planning Board shall not accept the application as complete if the applicant fails to pay the fee(s) or appeals the fee(s) determination. If the applicant appeals the payment of the fee(s) to the Board of Appeals, the Board shall decide whether the fee(s) is/are reasonable for the purpose found necessary by the Planning Board. The fee(s) shall be placed in an interest bearing escrow account in the "*City of Caribou*'" name. The money, including accrued interest, remaining in the account and which has not been spent or appropriated shall be returned to the applicant within thirty (30) days after the Planning Board issues its final decision.

E. The applicant, or their duly authorized representative, shall attend the meeting of the Planning Board to present the Preliminary Plan application.

F. Within thirty (30) days of receiving the Preliminary Plan application, the Planning Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Planning Board shall notify the applicant in writing of the specific material needed to complete the application.

G. Upon receiving an application for review, whether the application is complete or not, the Planning Board shall:

1. Issue a dated receipt to the applicant.
2. Determine whether to hold a public hearing on the Preliminary Plan application.
3. Have the ~~City Clerk~~Code Enforcement Officer, or their designee, notify in writing all owners of abutting property, or those property owners determined by the Planning Board to be impacted by the proposal, that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
4. Have the ~~City Clerk~~Code Enforcement Officer, or their designee, notify the Municipal Clerk and the Chair of the Planning Board of the neighboring municipality(ies) if any portion of the proposed subdivision includes or crosses the City boundary.

H. If the Planning Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of determining it has received a complete application, and shall post a notice of the date, time, and place of the hearing in ~~the Aroostook Republican~~newspaper of general circulation within the city seven (7) days prior to the date of the hearing or at three (3) prominent locations within the City at least seven (7) days prior to the hearing. ~~A copy of the notice shall be mailed to the applicant.~~

I. Within thirty (30) days from the public hearing or within sixty (60) days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall make findings of fact on the application, and approve,

approve with conditions, or deny the Preliminary Plan application. The Planning Board shall specify in writing its findings of facts and reasons for any conditions or denial.

J. When granting approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, if any, with respect to:
   1. The specific changes which the Planning Board shall require in the Final Plan;
   2. The character and extent of the required improvements for which waivers may have been requested and which the Planning Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
   3. The construction items for which cost estimates and performance guarantees shall be required as prerequisite to the approval of the Final Plan. (See: Sec. 13-750)

K. Approval of a Preliminary Plan by the Planning Board shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval to the Planning Board upon fulfillment of the requirements of this Ordinance and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, the Planning Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

2. Preliminary Plan Requirements.

The Preliminary Plan application shall consist of the following items.

A. Application Form.

B. Location Map. The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Planning Board to locate the subdivision within the City. The location map shall show:
   1. Existing subdivisions in the proximity of the proposed subdivision.
   2. Locations and names of existing and proposed roads.
   3. Boundaries and designations of shoreland zoning Districts.
   4. An outline of the proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.

C. Ten (10) full size sets (no greater than 24" X 36") and one electronic set of the Preliminary Plan and application shall be submitted to the CEO. These maps or drawings may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than one hundred feet (100') to the inch. Plans for subdivisions containing more than one hundred (100) acres can be drawn at a scale of not more than two hundred feet (200') to the inch provided all necessary detail can easily be read. The CEO shall distribute to each Planning Board member a set of the Preliminary Plan(s) and application no less than ~~seven (7)~~ five (5) days prior to the meeting for their review and comment.

D. The application for Preliminary Plan approval shall include the following information. The Planning Board may require additional information to be submitted, where it finds it necessary in order to determine whether the criteria of Title 30-A MRSA, §4404 are met.

   1. Proposed name of the subdivision and the City in which it is located, plus the tax map(s) and lot number(s).
   2. Verification of right, title, or interest in the property.
   3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and bearing the seal and signature of the Maine Licensed Professional Surveyor. The corners of the parcel shall be located on the ground and marked by artificial monuments (See: Sec. 13-700 (19).
   4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
   5. A copy of any future covenants or deed restrictions intended to cover all or part of the lots in the subdivision.
   6. Indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a Maine Licensed Site Evaluator or Registered Soil Scientist shall be provided. A map showing the location of all test pits dug on the site, the location of subsurface wastewater disposal systems within 100 feet of the property lines on adjacent parcels, and the locations of the proposed subsurface wastewater disposal systems shall be submitted.
   7. Indication of the type of water supply system(s) to be used in the subdivision and the location of drinking water wells within 100 feet of the property lines on adjacent properties. When water is to be supplied by private

wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.

8. The date the plan was prepared, North point, and graphic map scale.
9. The names and addresses of the record owner, applicant, adjoining property owners, and individual or company who prepared the plan.
10. A high intensity soil survey by a Maine Registered Soil Scientist.
11. Wetland areas shall be identified, regardless of size.
12. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height (DBM) shall be shown on the plan. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall occur.
13. The location of all rivers, streams, and brooks within or adjacent to the proposed subdivision.
14. Contour lines at the interval of 10 feet or otherwise specified by the Planning Board, showing elevations in relation to the Mean Sea Level.
15. The shoreland zoning District, if applicable, in which the proposed subdivision is located and the location of any shoreland zoning boundaries affecting the subdivision.
16. The location of existing and proposed culverts and drainage ways on or adjacent to the property to be subdivided.
17. The location, names, and present widths of existing roads, highways, easements, building lines, parks ,and other usable open spaces on or adjacent to the subdivision.
18. The width and location of any roads, public improvements, or usable open space shown within the comprehensive plan within the subdivision.
19. The proposed lot lines with approximate dimensions and lot areas.
20. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
21. The location of any usable open space to be preserved and a description of proposed ownership, improvement, and management or usable open space shown within the comprehensive plan.
22. If any portion of the subdivision is in a floodprone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
23. A hydrogeologic assessment prepared by a Maine Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and any part of the subdivision is located over a sand and gravel aquifer, as shown on "*Hydrogeologic Data for Significant Sand and Gravel Aquifers*" maps of the Maine Geological Survey.

    The Planning Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils and where the proposal intends to use a shared or common subsurface waste water disposal system.
24. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from "*Trip Generation Manual"*, latest edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.
25. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan.
26. If any portion of the proposed subdivision is in the direct watershed of a Great Pond and qualifies for the simplified review procedure for phosphorus control the plan shall indicate the location and dimensions of vegetative buffer areas or infiltration systems and the application shall include a long-term maintenance plan for all phosphorus control measures.

    If any portion of the proposed subdivision is in the direct watershed of a Great Pond, and does not qualify for the simplified review procedure for phosphorus control, the following shall be submitted or indicated on the plan.

    a. A Phosphorus Impact Analysis and Control Plan conducted using the procedures set forth in *"Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development,"* published by the Maine Department of Environmental Protection, latest edition. The Analysis and Control Plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the Technical Guide.
    b. A long-term maintenance plan for all phosphorus control measures.
    c. The contour lines shown on the plan shall be at an interval of no less than ten (10) feet.

d. Areas with sustained slopes greater than 25 percent covering more than one acre.

27. A list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the City, or quasi-municipal districts. These lists shall include, but not be limited to:

Schools, including busing	Recreation facilities	Stormwater drainage
Police and fire protection	Wastewater treatment	Solid waste disposal
Water supply	Road maintenance and snow removal	

28. The applicant shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

Historical Note: Section 13-404 §1A as amended April 24, 2006.

Sec. 13-405 Final Plan Procedure and Requirements.

1. Final Plan Procedure.

A. Within twelve (12) months after the approval of the Preliminary Plan by the Planning Board, the applicant shall submit an application for approval of the Final Plan to the CEO at least ~~seven (7)~~ ten (10) days prior to a scheduled meeting of the Planning Board. Final Plan applications shall be submitted to the CEO. If the application for the Final Plan is not submitted within twelve (12) months after Preliminary Plan approval, the Planning Board shall require resubmission of the Preliminary Plan, except as stipulated below. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any changes required by the Planning Board.

B. If an applicant cannot submit the Final Plan within twelve (12) months, due to delays caused by other regulatory bodies, or for other reasons, the applicant may request an extension from the Planning Board. Such a request for an extension to the filing deadline shall be made, in writing, to the CEO who shall pass the request along to the Planning Board for discussion at their next regularly scheduled meeting prior to the expiration of the filing period. In considering the request for an extension the Planning Board shall make findings of fact that the applicant has made due progress in preparation of the Final Plan and in pursuing approval of the plans before other agencies, and that City ordinances or regulations which may impact on the proposed development have not been amended.

C. Irrespective of any other provision of this Ordinance or any other ordinance, the Planning Board shall not accept the application as complete if the applicant fails to pay the fee(s) or appeals the fee(s) determination. If the applicant appeals the payment of the fee(s) to the Board of Appeals, the Board shall decide whether the fee(s) is/are reasonable for the purpose found necessary by the Planning Board. The fee(s) shall be placed in an interest bearing escrow account in the "*City of Caribou*'" name. The money, including accrued interest, remaining in the account and which has not been spent or appropriated shall be returned to the applicant within thirty (30) days after the Planning Board issues its final decision on the proposal.

D. Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where applicable:

1. Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resources Protection Act, or if a Wastewater Discharge License is needed;
2. Maine Department of Human Services, if the applicant proposes to provide a public water system;
3. Maine Department of Human Services, if an engineered subsurface wastewater disposal system(s) is to be utilized; and
4. US Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.

E. Within thirty (30) days of the receipt of the Final Plan application, the Planning Board shall determine whether the Final Plan application is complete and notify the applicant in writing of its determination. If the application is not complete, the Planning Board through the CEO, shall notify the applicant of the specific material needed to complete the application.

F. Upon receiving an application for review, whether the application is complete or not, the Planning Board shall issue a dated receipt to the applicant. The Planning Board shall determine whether to hold a public hearing on the Final Plan application.

G. The applicant, or their duly authorized representative, shall attend the meeting of the Planning Board or public hearing to discuss the Final Plan.

H. If the Planning Board decides to hold a public hearing, it shall hold the hearing within thirty (30) days of determining it has received a complete application, and shall post a notice of the date, time, and place of the hearing in ~~the Aroostook Republican~~ a newspaper of general circulation within the city seven (7) days prior to the date of the hearing or at ~~three~~ two (2~~3~~) prominent locations within the City at least seven (7) days prior to the hearing. ~~A copy of the notice shall be mailed to the applicant.~~

I. The Planning Board, through the CEO, shall notify the Chair of the City Council, ~~Highway Department Foreman~~Public Works Director, School Superintendent, Police Chief, and Fire Chief of the proposed subdivision, the number of units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial, or industrial

buildings. The Planning Board shall request that these officials respond in writing upon the adequacy of existing capital facilities to service the proposed subdivision.

J. Before the Planning Board grants approval of the Final Plan, the applicant shall meet the performance guarantee requirements of Sec. 13-750, if applicable.

K. Within thirty (30) days from the public hearing or within sixty (60) days of having determined a complete application was submitted, if no public hearing is held, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall make findings of fact, and conclusions relative to the review criteria for approval contained in Title 30-A MRSA, §4404 (Statute) and this Ordinance. If the Planning Board finds that all the criteria of the Statute and the standards of this Ordinance have been met, they shall approve the Final Plan. If the Planning Board finds that any of the criteria of the Statute or the standards of this Ordinance have not been met, the Planning Board shall either deny the application, or approve the application with conditions to ensure all of the standards shall be met by the subdivision. The reasons for any conditions shall be stated in the records of the Planning Board.

2. Final Plan Requirements.

A. The Final Plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet (100') to the inch. Plans for subdivisions containing more than one hundred (100) acres may be drawn at a scale of not more than two hundred feet (200') to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24" X 36" in size. Space shall be reserved on the plan for endorsement by the Planning Board. Two recording plans on Mylar transparencies, one to be recorded at the Aroostook County Registry of Deeds, ~~Northern~~ Southern Office and the other to be filed at the City Office, and three paper copies of the Mylar transparencies of the recording plan shall be submitted. In addition, one (1) electronic copy and seven (7) copies of the plan(s) reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches, and all accompanying information, shall be submitted to the CEO and ~~mailed~~ delivered to each Planning Board member no less than ~~seven (7)~~ five (5) days prior to the meeting for their review and comment.

B. The Final Plan shall include all of the required information contained in the above Preliminary Plan Requirements, and be accompanied by the following information:

1. If different than those submitted with the Preliminary Plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.

2. If different than those submitted with the Preliminary Plan, the location, names, widths, and geometrics of existing and proposed roads, assess points, highways, easements, buildings, parks, and other usable open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing, and length of every road line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing, and length

of road lines, lot lines, and parcel boundary lines shall bear the seal and signature of a Maine Licensed Professional Surveyor.

3. An erosion and sedimentation control plan prepared in accordance with the "*Environmental Quality Handbook"*, latest edition, published by the Maine Soil and Water Conservation Commission or appropriate "*Best Management Practices*". The Planning Board may waive submission of the erosion and sedimentation control plan only if the subdivision is not in the watershed of a Great Pond, and upon a finding that the proposed subdivision shall not involve road construction, and that no driveway or house construction shall occur on sites with slopes steeper than 10 percent.

4. A storm water management plan, prepared by a registered professional engineer in accordance with *"Urban Hydrology for Small Watersheds, T.R. 55 or T.R. 20"*, latest edition, published by the Natural Resources Conservation Service. Another methodology may be used if the applicant can demonstrate it is equally applicable to the site. The Planning Board may waive submission of the storm water management plan only if the subdivision is not in the watershed of a Great Pond, and upon a finding that the proposed subdivision shall not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 10 percent of the area of the subdivision.

5. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. A Phase I Environmental Site Assessment Review statement. Written offers to convey title to the City of all public ways and usable open spaces shown on the plan, and copies of agreements or other documents showing the manner in which usable open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed roads and/or usable open spaces or other land is to be offered to the City, written evidence that the City Council is satisfied with the legal sufficiency of the written offer to convey title shall be included.

6. A list of construction items, with cost estimates, that shall be completed by the developer prior to the sale of lots, and evidence that the developer has financial commitments or resources to cover these costs.

7. A performance bond may be required to secure completion of all public improvements required by the Planning Board, and written evidence that the City Council is satisfied with the legal sufficiency of the bond.

8. The Final Plan shall be accompanied by certification either by a duly authorized Maine Registered Engineer or by the Building Inspector of Caribou or by both, as required by the Planning Board, that the design of sewer and water facilities and roads and utilities in the proposed subdivision conform to the requirements of all applicable, federal, state, and local rules, laws, and regulations. The cost of inspection shall be borne by the applicant or subdivider.

9. Suitable space to record on the approved plan, the date, and conditions of approval, if any. This space shall be similar to the following example:

City of Caribou

Approved by the Caribou Planning Board

Signed: _____ Chair of the Planning Board
_____ (space for all Planning Board
_____ members to sign)
_____
_____

Date: _____

Conditions: _____
_____

3. Final Approval and Filing.

A. A plan may be reviewed by the Planning Board, however, no plan shall be approved by the Planning Board as long as the applicant is in violation of provisions of federal, state, or local laws, rules, and regulations and a previously approved plan within the City.

B. Upon findings of fact and determination that all standards in Title 30-A MRSA, §4404, and this Ordinance have been met, and upon voting to approve the subdivision, the Planning Board shall sign the Final Plan(s). The Planning Board shall specify in writing its findings of fact and reasons for any conditions or denial. One copy of the signed recording plan on Mylar transparency shall be forwarded to the Aroostook County Registry of Deeds, ~~Northern~~ Southern Office, one copy of the signed Final Plan on Mylar transparency shall be retained by the City as part of the permanent records, and one paper copy of the Mylar transparency of the recording plan shall be retained by the Planning Board. Any subdivision not recorded in the Aroostook County Registry of Deeds, ~~Northern~~ Southern Office within ninety (90) days of the date upon which the plan is approved and signed by the Planning Board shall become null and void.

C. At the time the Planning Board grants Final Plan approval, it may permit the plan to be divided into two or more sections subject to any conditions the Planning Board deems necessary in order to ensure the orderly development of the plan. If any City or quasi-municipal department head notified of the proposed subdivision informs the Planning Board that their department or district does not have adequate capital facilities to service the subdivision, the Planning Board shall require the plan to be divided into two or more sections subject to any conditions the Planning

Board deems necessary in order to allow the orderly planning, financing, and provision of public services to the subdivision. If the expansion, addition or purchase of the needed facilities is included in the City's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition, or purchase.

If the Superintendent of Schools indicates that there is less than 20 percent excess classroom capacity existing in the school(s) which shall serve the subdivision, considering previously approved but not built subdivisions, the Planning Board shall require the plan to be divided into sections to prevent classroom overcrowding.

D. Whenever the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a waiver from any applicable subdivision standard, that fact must be expressly delineated on the face of the final recording plans.

1. In the case of an amendment, if no amended plan is to be recorded, a certificate must be prepared in recordable form and recorded with the City Clerk and the Aroostook County Registry of Deeds, ~~Northern~~ Southern Office. This certificate must:

    a. Indicate the name of the property owner;
    b. Identify the property by reference to the last recorded deed in its chain of title; and
    c. Indicate the fact that a waiver, including any conditions on the waiver, has been granted and the date of granting.

2. The waiver is not valid until it is recorded as provided in this paragraph. Recording of the plan must occur within ninety (90) days of the final subdivision approval or approval under Title 38, where applicable, whichever date is later, or the waiver is null and void.

E. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the revised Final Plan is first submitted and the Planning Board approves any modifications. The Planning Board shall make findings that the revised plan meets the criteria of Title 30-A MRSA, §4404, and the standards of this Ordinance. In the event that a plan is recorded without complying with this requirement, the City shall provide to the Aroostook County Registry of Deeds, ~~Northern~~ Southern Office an affidavit to be recorded over or attached to the plan. The Planning Board may institute proceedings to have the plan stricken from the records of the Aroostook County Registry of Deeds, ~~Northern~~ Southern Office.

F. The approval by the Planning Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the City of any road, easement, or other usable open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the City, approval of the plan shall not constitute an acceptance by the City of such areas. The acceptance of dedicated lands shall be made only by the City Council The Planning Board shall require the plan to contain appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the City covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of

any such dedicated area.

G. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within three (3) years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Planning Board shall have a notice placed in the Aroostook County Registry of Deeds, ~~Northern~~ Southern Office to that effect.

Sec. 13-406 Subdivision Review Criteria.

1. Where the Planning Board finds that extraordinary and unnecessary hardships may result from the strict compliance with this Ordinance, or where there are special circumstances of a particular plan, the Planning Board may waive, in writing, any of the application requirements or non-statutory performance standards or general requirements---provided that such waiver shall not have the effect of nullifying the purpose of these Ordinances, the comprehensive plan, the Shoreland Zoning Ordinance, or any other federal, state, and local rule, law, ordinance, or regulation. Any such wavier shall be duly noted on the final recording Plan. In granting any waiver, the Planning Board shall require such conditions as shall, in its judgment, secure substantially the objectives of the requirements so waived.

2. When reviewing a proposed subdivision, the Planning Board shall review the application for conformance with the following review criteria and shall make findings of fact that each criteria has been met prior to the approval of the Final Plan. The following review criteria shall not be wavered. The Planning Board shall determine that:

   A. **Pollution**. The proposed subdivision shall not result in undue water or air pollution. In making this determination, it shall at least consider:

      1. The elevation of land above sea level and its relation to the flood plains,
      2. The nature of the soils and subsoils and their ability to adequately support waste disposal,
      3. The slope of the land and its effect on effluents,
      4. The availability of streams for disposal of effluents, and
      5. The applicable of state and local health and water resource rules and regulations;

   B. **Sufficient Water**. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;

   C. **Municipal Water Supply**. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;

   D. **Erosion**. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition results;

   E. **Traffic**. The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed;

   F. **Sewage Disposal**. The proposed subdivision will provide for adequate sewage waste disposal and not cause an unreasonable burden on City services, if they are to be utilized;

   G. **Solid Waste Disposal.** The proposed subdivision will not cause an unreasonable burden on the ability of the City to dispose of solid waste, if City services are to be utilized;

   H. **Aesthetic, Cultural, and Natural Values.** Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the City, rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

   I. **Conformity with Local Ordinances and Plans**. The proposed subdivision is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any. In making this determination, the Planning Board may interpret these ordinances and plans;

   J. **Financial and Technical Capacity**. The developer has adequate financial and technical capacity to meet all criteria contained within these regulations;

K. **Surface Waters and Outstanding River Segments**. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, Great Pond, or river as defined in Title 38, chapter 3, subchapter I, article 2-B, §435-449, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

1. When lots in a subdivision have frontage on an outstanding river segment, as defined in Title 30-A, M.R.S.A., §4401, subsection 7, the proposed subdivision plan shall require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.

    a. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.

    b. These frontage and set-back provisions shall not apply either within areas zoned as general development or its equivalent under Shoreland Zoning, Title 38, chapter 3, subchapter I, article 2-B, §435-449, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definition requirements of §4401, subsection 1, on September 23, 1983;

L. **Groundwater**. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;

M. **Flood Areas**. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant, whether the subdivision is in a floodprone area. If the subdivision, or any part of it, is in such an area the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition of plat approval requiring that principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

N. **Freshwater Wetlands**. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;

O. **River, Stream, or Brook**. Any river, stream, or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of these Ordinances, "*river, stream, or brook*" has the same meaning as in Title 38, §480-B, subsection 9;

P. **Stormwater.** The proposed subdivision will provide for adequate stormwater management; and,

Q. **Spaghetti Lots Prohibited**. The proposed subdivision shall not create lots with a lot depth to front frontage ratio of greater than 5:1.

Sec. 13-407 General Requirements for Subdivisions.

The General Requirements contained within this Section and the applicable standards in Sec. 13-700, "*General Requirements*"; Sec. 13-710, "*Access Management, Off-Street Parking, Loading, and Road Design and Construction Standards*"; Sec. 13-200, "*Zoning Ordinance*"; and Sec. 13-408, "*Mobile Homes*" shall be met by all subdivisions. The applicable standards of these Sections are intended to clarify the review criteria and provide guidance. In reviewing a proposed development, the Planning Board shall review the application for conformance to these standards and make findings of fact prior to approval of the Final Plan. The burden of proof of conformance is with the applicant and they shall provide clear and convincing evidence that the proposed Final Plan meets these standards and the review criteria.

1. Blocks.

A. The length, width, and shape of blocks shall be determined with due regard to:

1. Provision of adequate building sites suitable to the needs of the proposed use.
2. Zoning requirements as to lot sizes and dimensions.

3. Needs for access, circulation, control, and safety of traffic.
4. Limitations and opportunities of topography.
5. Block lengths shall not exceed 1,800 feet or be less than 500 feet and no block shall be less than 200 feet in width for residential use. These restrictions shall not apply in any rural District, except when a development proposal reflects the creation of blocks.

2. Relation of Subdivision to Community Facilities.

A proposed subdivision shall, in the opinion of the Planning Board, be suitably located with respect to community facilities such as schools, playgrounds, and parks.

3. Performance Guarantees.

When it has been determined that a performance guarantee is required, the standards contained Sec. 13-750 shall be used.

4. Parking, Driveways, Roads, and Sidewalks.

Parking, driveways, roads, and sidewalks within a subdivision shall conform to Sec. 13-700 (28) and Sec. 13-710.

Sec. 13-408 Mobile Home Parks~~Manufactured Housing Ordinance~~.

Manufactured Housing Ordinance, City of Caribou

Purpose: The purpose of this ordinance is to ensure quality, safe, and affordable housing for Caribou residents.

1. **Mobile Home Parks & Manufactured Housing Administration**

a) A mobile home park shall comply with the standards contained within this Ordinance, the Maine Manufactured Housing Board and all other applicable state statutes regarding the establishment and maintenance of a mobile home park.
b) The owner of a mobile home park must maintain a list of all tenants containing the following information: name and mailing address of each owner of manufactured housing located within the park, manufacturer's name, model number, year, serial number and lot identification/number. This list must be submitted annually to the ~~Assessor's Office~~ assessor's office by April 15 with information current as of April 1.
c) No manufactured housing may be moved into a mobile home park nor any Certificate of Occupancy issued for any mobile home park which does not have a current license with the State of Maine to operate as a mobile home park or a park which has been determined by the Code Enforcement Officer to be out of compliance with this ordinance.
d) Mobile home parks constructed after the effective date of this ordinance are required to undergo City of Caribou subdivision and site design review with all plans prepared by a certified engineer.
e) Upon the effective date of this ordinance, owners of mobile home parks must obtain a permit from City Code Enforcement Officer before any manufactured housing unit is allowed to enter the mobile home park.
f) A mobile home park owner wishing to appoint an agent who can act on the park owner's behalf must complete the City of Caribou Property Management Application form. Only agents duly appointed through the approved Property Management Application process shall be authorized to act on behalf of the park owner.
g) Mobile home park owners are responsible for compliance with the City of Caribou Property Maintenance Code for all lots within the park regardless of the ownership of the manufactured housing unit.
h) No manufactured housing may be occupied until a Certificate of Occupancy has been issued by the Code Enforcement Officer or at his/her discretion the Building Inspector.
i) No manufactured housing may be brought into Caribou or moved within the City without written proof of property tax being paid for the current tax year and all previous years from Caribou or the municipality where the housing unit was last assessed.
j) No mobile homes shall be brought into the City that are not manufactured according to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq.; 24 CFR Part 3280 and Part 3282.

2. **Manufactured Housing Design Standards**

Manufactured Housing Design Requirements- All manufactured housing to be located within the City from outside of the City or all manufactured housing relocated from within the City after the effective date of this Ordinance must comply with the following:

a) Maine Manufactured Housing Board Standards for installation for newly constructed units.
b) Shall be placed on a permanent foundation.
c) All manufactured housing located on private lots or in mobile home parks whether rented, leased or owned are required to have siding that is residential in appearance or the original factory installed siding.
d) All manufactured housing is required to be enclosed between the bottom of the home and the ground with material that is residential in nature or the original factory installed siding.
e) A pitched shingled roof or the factory installed roof.
f) Accessory structures, including but not limited to decks, porches, car ports, garages, steps, ramps, entry ways, covered entry ways, which are not part of the original manufactured housing as approved by the State of Maine are subject to City building and zoning codes including, but not limited to, land use ordinances and the Maine Uniform Building and Energy Code.

3. **Definitions**

The terms "Manufactured Housing", "Mobile Home Park", "Mobile Home Park Lot", "Mobile Home Subdivision or Development", "Permanent Foundation", and "Pitched, Shingled Roof" shall have the same definitions as set forth in Title 30-A MRSA Section 4358 as it may be amended, from time to time.

4. **Effective Date**

This ordinance shall become effective in accordance with the Caribou City Charter Section 2.12(d).

Historical Note: Section 13-408 as amended by the City Council on March 23, 2015.

Sec. 13-409 Cluster Development.

Cluster development is an option for parcels of 10 acres or greater. The following cluster development standards should be used as a means to preserve open space, including farm and forestland. Cluster development is one of the most important ways of controlling sprawl and minimizing the conversion of open space to residential use, while allowing residential development to take place. Commercial and industrial uses can also be clustered but, under different standards.

A. Purposes.

The purposes of this Section are:

1. To provide for efficient use of land not possible under traditional lot-by-lot size requirements, provided that the net density shall be no greater than is permitted, unless a density bonus is granted to the applicant;
2. To provide for the preservation of parks, recreation, and open space areas;
3. To provide for a more attractive, varied arrangement of dwelling units and open space on a particular parcel;
4. To provide for the location of housing units and other uses where they are least visible and hidden by topography or vegetation, therefore minimizing perceived densities;
5. To provide for orderly development in the rural areas and maintain the rural character of the community by preserving tree masses, stream valleys, woodlands, of views and scenic vistas, and other significant natural features;
6. To provide for reasonable standards for the perpetual maintenance of community or privately owned facilities necessary to service the development;
7. To preserve and protect environmentally sensitive areas; and
8. To allow for new and innovative approaches to housing development and discourage the location of housing units in strip fashion along rural roads.

Notwithstanding other provisions of this and other ordinances relating to dimensional requirements, the Planning Board, in reviewing and approving proposed residential developments, may modify said provisions related to dimensional requirements to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship.

B. Application Procedures.

An application for cluster development shall follow the same procedures as for a standard subdivision and address the following additional requirements:

1. The Planning Board may allow subdivided development on reduced lot sizes in return for open space where the Planning Board determines that the benefits of the cluster approach will prevent the loss of natural features without increasing the net density of the development. Where an applicant elects or is required to cluster, a written application shall be submitted to the Planning Board. Two sketch plans shall be submitted with one layout as a standard traditional subdivision and the other as a cluster development indicating open space and significant natural features. Each lot in the standard traditional subdivision shall meet the minimum lot size and lot width requirements, and if not serviced by public sewer have an area suitable for subsurface wastewater disposal according to the Maine Subsurface Wastewater Disposal Rules. The number of lots in the cluster may exceed the number of lots in the standard subdivision (density bonus), with approval from the Planning Board.
2. A written statement shall describe the natural features which will be preserved or enhanced by the cluster approach. Natural features include, but are not limited to, moderate to high value wildlife and waterfowl habitats, moderate to high yield aquifers, preserving prime agricultural and forestland areas and soils, large trees, woods, ponds, rock outcrops, and other important natural or historic sites. The statement shall also compare the impact upon the community by both proposals. Examples of impacts are, municipal costs for roads, schools, school busing, solid waste management, utility efficiency, recreational opportunities, protection of flood water storage areas, and environmental impacts on sensitive lands.
3. For purposes of this Section, the tract or parcel to be developed shall be in single ownership, or the subject of an application filed jointly by the owners of all the property included.
4. Estimated costs of infrastructure development (roads, utilities, etc.) shall accompany the plan. The applicant shall file with the City, at the time of submission of the Final Plan for subdivision approval, a performance guarantee (See: Sec. 13-750).
5. Within thirty (30) days of determining that the application is complete, the Planning Board shall determine whether to allow the subdivision to be developed in accordance with the standards of this Ordinance based upon findings that:
   a. The site contains natural features of the type worthy of preservation; and
   b. Those natural features could not adequately be preserved in a standard subdivision layout; or
   c. A clustered development will permit more efficient creation and utilization of infrastructure and provision of municipal and quasi-municipal services than would a standard subdivision layout.

C. Basic Requirements for Cluster Development.

1. Cluster development shall be a minimum of 10 acres and shall meet all requirements for a subdivision, the City's road design and construction standards, all other applicable federal, state, and local rules, laws, ordinances or regulations.
2. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered. The applicant shall illustrate the placement of buildings and the treatment of spaces, paths, roads, service, and parking and in so doing shall take into consideration all requirements of this Section and these Ordinances.
3. The maximum allowed reduction in the size of individual lots is 25 percent. However, a larger reduction can be made if site conditions can be proven by the applicant to support smaller lot sizes.
4. The maximum net density allowed in cluster developments shall be calculated on the basis of the "*Qualifying Land Area*" standards contained below.
5. Unless a public sewer or community sewage collection and treatment system is provided, no lot shall be smaller than 20,000 square feet. No unit shall be constructed on any lot with soil considered as being "very poorly" drained.
6. The total area of open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required, except where density bonuses are permitted.
7. Every building lot that is reduced in area below the amount normally required should abut the open space area for a distance of 50 feet, or be within 1000 feet distance from the open space area.
8. Distance between buildings shall not be less than 20 feet.
9. In rural areas, no individual lots shall have frontage on an existing road at the time of development. There shall be a setback of 50 feet from the main public access road and from interior roads that are constructed as part of the cluster development. Access from public ways, internal circulation, and parking shall be designed to provide for vehicular

and pedestrian safety and convenience, emergency and fire equipment maneuverability, snow removal, road maintenance, and delivery and collection services.

10. In no case shall shore frontage and setback be reduced below the minimums normally required by the Caribou Shoreland Zoning Ordinance.
11. Where a cluster development abuts a body of water, a usable portion of the shoreline, which shall be a minimum of 100 feet, as well as reasonable access to it, shall be a part of the open space land.
12. When individual wells are to be utilized, a drilled well with casing, shall be provided on each lot by the developer/builder. The location of all wells shall be shown on the plan. The applicant shall demonstrate the availability of water adequate in quantity and quality for domestic purposes, as well quantity for fire safety. The Planning Board may require the construction of fire ponds and/or dry hydrants.
13. The location of subsurface sewage disposal systems and an equivalent reserve area for a replacement system(s) shall be shown on the plan. The report of a licensed Site Evaluator shall accompany the plan. The reserve areas shall be restricted so as not to be built upon. The report of a licensed Site Evaluator shall accompany the plan. If the subsurface disposal system in an engineered system, approval from the Department of Human Services, Division of Health Engineering, shall be obtained prior to Planning Board approval.

D. Siting and Buffering Standards.

1. Buildings shall be oriented with respect to views and scenic vistas, natural landscape features, topography, south facing slopes (wherever possible), and natural drainage areas, in accordance with an overall plan for site development and landscaping. A site inspection shall be conducted by the Planning Board prior to approval. Once approved, the plan shall not be altered in any manner, without prior approval of the Planning Board.
2. Buildings shall be designed and planned to protect bedroom windows from light invasions by vehicle headlights or glare from existing outdoor lighting or illuminated signs, where allowed, insofar as practical.
3. Where parking spaces or storage areas are located in areas abutting existing residential properties, a permanent wood or masonry screen, at least 4 feet high, shall be erected along the property line, in addition to the "green" perimeter strip described below.

4. Other than any land within shoreland zoning, a "green" vegetative perimeter strip, not less than 20 feet wide, shall be maintained with grass, bushes, flowers, scrubs, and/or trees alongside all lot or rear lot lines of the property as a whole, and (except for entrance and exit driveways) along the entire frontage of such lot. Such "green" strip shall not be built upon, paved, or used for parking or storage. There shall be no removal of trees over 4" in diameter within this buffer. In the shoreland zoning area, vegetation shall be retained in its natural state.
5. Except for normal thinning and landscaping, existing vegetation shall be left intact to prevent soil erosion. Adequate provision shall be made for storm waters, with particular concern for the effects of erosion from the site. Erosion resulting from any improvements to the site shall be prevented by landscaping or other means. The Planning Board may require that an erosion and sedimentation control plan be made and that the developer take appropriate measures to prevent and correct soil erosion in the proposed development.
6. All utilities shall be installed underground, whenever possible. Transformer boxes, pumping stations, and meters shall be located so as to not to be unsightly, hazardous to the public, or detract from the natural beauty of the development.

E. Preservation and Maintenance of Open Space and Facilities.

1. Common open space shall be dedicated upon approval of the project. There shall be no further subdivision of open space. Open space shall be used for agriculture, non-commercial recreation, forestry, or conservation. However, easements for public utilities may be permitted in the open space area, with prior approval of the Planning Board.
2. There shall be no land development within the open space without the prior approval of the Planning Board.
3. The open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that:

   a. The open space shall not be used for future buildings lots or development; and
   b. A part or all of the open space may, at the option of the City, be dedicated for acceptance by the City. Such dedication shall take place after final approval of the project. Final acceptance by the City of dedicated open space rests with the City.

4. If any or all of the open space is to be reserved as common open space for use by the residents, the by-laws of the proposed homeowners association shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to approval. The developer shall maintain control of such open space(s) 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 the request of the homeowners association or the developer.

5. Covenants for mandatory membership in the association, setting forth the owner's rights and interest and privileges in the association and the common land, shall be reviewed by the Planning Board and included in the deed for each lot (i.e. annual fee to the association for lawn mowing, snow removal, solid waste management, municipal assessments, neighborhood recreational facilities, etc..). A clause should be added to every deed that any unpaid association fees, plus interest, shall be paid at the time of a deed transfer and the association will receive first "dibs".

6. Open space land may be leased for agriculture or forestry purposes provided that development rights for the open space land are held by the homeowners association. The legal instruments for the development rights shall be submitted to and reviewed by the Planning Board and approved by the homeowners association.

F. Qualifying Land Area.

To determine the number of lots/dwelling units permitted in a subdivision, the applicant shall perform the following calculations and submit evidence in the form of plans and data to verify the calculations.

Net Buildable Acreage Calculation

A. From the gross acreage of the site (_____acres) subtract the following:

1.	Existing road rights-of-way[1].	_____	acres
2.	Proposed rights-of-way[1].	_____	acres
3.	Noncontiguous land[2].	_____	acres
4.	100% of the RP and SP Districts[3].	_____	acres
5.	100% of the 100 year floodplain land[4].	_____	acres
6.	100% of the wetlands, NRPA Class I and II[4] .	_____	acres
7.	50% of the wetlands, NRPA Class III[4].	_____	acres
8.	100% of ponds or lakes.	_____	acres
9.	50% of slopes from 15-25%.	_____	acres
10.	85% of slopes over 85%.	_____	acres
	Net Buildable Acreage (NBA)	_____	acres

1 Include shoulder and ditches in width calculation.
2 Land separated by roads or railroads, or land linked by a strip less than 50' wide.
3 Resource Protection and Stream Protection.
4 Where this overlaps, the overlapping acreage shall be counted only once.

Net Density Calculation:

A. Multiply the (NBA) by the minimum lot size requirement (SF). _____lots

(This figure is determined by dividing 43,560 by the minimum lot size requirement... i.e. 40,000 square feet = .9183)

B. Multiply the result by 10% (density bonus). _____lots

C. Add the results of "A" and "B". **Total Allowable Lots** _____**lots**

Dimensional Standards

A. Traditional Minimum Lot Size: _____SF

B. Maximum reduction in size of individual lots is: (25%) _____

C. Clustered Minimum Lot Size: (25% of Traditional Minimum Size) _____SF

D. Minimum Lot Width: _____feet

E. Minimum Yards

Front (from ROW) _____feet

Rear _____feet

Side _____feet

Sec. 13-500 Shoreland Zoning Ordinance.

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17. Shoreland Definitions

In addition to those definitions found in Title 13-900, the following terms shall specifically apply to the regulations of the Shoreland Zoning areas. Any other terms not included herein shall be as found in the state statutes pertinent to shoreland zoning regulations.

Basal Area - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Canopy – the more or less continuous cover formed by tree crowns in a wooded area.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

DBH – the diameter of a standing tree measured 4.5 feet from ground level.

Expansion of a structure - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached decks, garages, porches and greenhouses.

Significant River Segments - See Appendix B or 38 M.R.S.A. section 437.

Historical Note: Sec. 13-500 §17 as amended June 14, 2021.

Shoreland Zoning Ordinance for the Municipality of Caribou, Maine

1. **Purposes.** The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

2. **Authority.** This Ordinance has been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

3. **Applicability.** This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

   - normal high-water line of any great pond or river, or
   - upland edge of a freshwater wetland,

   and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

   This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

4. **Effective Date**

   A. Effective Date of Ordinance and Ordinance Amendments. This Ordinance, which was adopted by the municipal legislative body on _____, 2009, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

   Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

   B. Repeal of Municipal Timber Harvesting Regulation. The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-B(5), at which time the State of Maine

Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A section 438-B(5), the following provisions of this Ordinance are repealed:

- Section 14. Table of Land Uses, Item 3 (Forest management activities except for timber harvesting) and Item 4 (Timber harvesting);
- Section 15(O) in its entirety; and
- Section 17. Definitions, the definitions of "forest management activities", "residual basal area", "skid trail", and "slash".

NOTE: The statutory date established under 38 M.R.S.A. section 438-B(5) is the effective date of state-wide timber harvesting standards. That date is "the first day of January of the 2nd year following the year in which the Commissioner of Conservation determines that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on an annual basis for the period 1992-2003 have either accepted the state-wide standards or have adopted an ordinance identical to the state-wide standards." 38 M.R.S.A. section 438-B(5) further provides that "the Commissioner of Conservation shall notify the Secretary of State in writing and advise the Secretary of the effective date of the state-wide standards."

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5. Availability. A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

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

7. Conflicts with Other Ordinances. Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

8. Amendments. This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

9. Districts and Zoning Map

A. Official Shoreland Zoning Map. The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:

(1) Resource Protection
(2) Limited Residential
(3) Limited Commercial
(4) General Development I
(5) General Development II
(6) Stream Protection

B. Scale of Map. The Official Shoreland Zoning Map shall be drawn at a scale of 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. Certification of Official Shoreland Zoning Map. The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.

D. Changes to the Official Shoreland Zoning Map. If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on

the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

10. Interpretation of District Boundaries. Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

11. Land Use Requirements. Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

12. Non-conformance.

A. Purpose. It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General

(1) Transfer of Ownership. Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

(2) Repair and Maintenance. This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

NOTE: See Section 17 for the definitions of non-conforming structures, non-conforming uses and non-conforming lots.

C. Non-conforming Structures

(1) Expansions. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

(a) After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 12(C)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

(b) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

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

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board or its designee shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

(a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

(b) Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

(3) Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 12(C)(2) above, the physical condition and type of foundation present, if any.

(4) Change of Use of a Non-conforming Structure. The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and functionally water-dependent uses.

D. Non-conforming Uses

(1) Expansions. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1)(a) above.

(2) Resumption Prohibited. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

(3) Change of Use. An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(4) above.

E. Non-conforming Lots

(1) Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

(2) Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

(3) Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

13. Establishment of Districts

A. Resource Protection District. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district

shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial or General Development I Districts need not be included within the Resource Protection District.

(1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of December 31, 2008. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

NOTE: The Natural Resources Protection Act, 38 M.S.R.A. sections 480-A through 480-Z, requires the Department of Environmental Protection to designate areas of "significant wildlife habitat". Significant wildlife habitat includes:
Habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; and shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife.

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(2) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.

(3) Areas of two or more contiguous acres with sustained slopes of 20% or greater.

(4) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

NOTE: These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.

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(5) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

B. Limited Residential District. The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District or the General Development Districts.

C. Limited Commercial District. The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. General Development I District. The General Development I District includes the following types of existing, intensively developed areas:

(1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

(a) Areas devoted to manufacturing, fabricating or other industrial activities;
(b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
(c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.

(2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

E. General Development II District. The General Development II District includes the same types of areas as those listed for the General Development I District. The General Development II District, however, shall be applied to newly established General Development Districts where the pattern of development at the time of adoption is undeveloped or not as intensively developed as that of the General Development I District.

Portions of the General Development District I or II may also include residential development. However, no area shall be designated as a General Development I or II District based solely on residential use.
In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers that flow to great ponds classified GPA.

F. Stream Protection District. The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

14. Table of Land Uses. All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:
Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)
No - Prohibited
PB - Allowed with permit issued by the Planning Board.
CEO - Allowed with permit issued by the Code Enforcement Officer
LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:
RP - Resource Protection
LR - Limited Residential
SP - Stream Protection
GD - General Development I and General Development II
LC - Limited Commercial

TABLE 1. LAND USES IN THE SHORELAND ZONE

LAND USES	SP	RP	LR	LC	GD
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes
3. Forest management activities except for timber harvesting	yes	yes	yes	yes	yes
4. Timber harvesting	yes	CEO	yes	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO[1]	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes
9. Mineral exploration	no	yes[2]	yes[2]	yes[2]	yes[2]
10. Mineral extraction including sand and gravel extraction	no	PB[3]	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes

12. Emergency operations	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes
14. Aquaculture	PB	PB	PB	yes	yes
15. Principal structures and uses					
A. One and two family residential, including driveways	PB[4]	PB[8]	CEO	CEO	CEO
B. Multi-unit residential	no	no	PB	PB	PB
C. Commercial	No[9]	No[9]	No[9]	PB	PB
D. Industrial	no	no	no	no	PB
E. Governmental and institutional	no	no	PB	PB	PB
F.Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB[4]	PB	CEO	CEO	CEO
16. Structures accessory to allowed uses	PB[4]	PB[8]	CEO	CEO	yes
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland					
a. Temporary	CEO[10]	CEO[10]	CEO[10]	CEO[10]	CEO[10]
b. Permanent	PB	PB	PB	PB	PB
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI
19. Home occupations	PB	PB	PB	CEO	yes
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI
21. Essential services					
A. Roadside distribution lines (34.5kV and lower)	CEO[5]	CEO[5]	yes[11]	yes[11]	yes[11]
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB[5]	PB[5]	CEO	CEO	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB[5]	PB[5]	PB	PB	PB
D. Other essential services	PB[5]	PB[5]	PB	PB	PB
22. Service drops, as defined, to allowed uses	Yes	yes	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO
24. Individual, private campsites	CEO	CEO	CEO	CEO	CEO
25. Campgrounds	No	No[6]	PB	PB	PB
26. Road construction	PB	No[7]	PB	PB	PB
27. Parking facilities	No	No[6]	PB	PB	PB
28. Marinas	PB	no	PB	PB	PB
29. Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes
30. Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO
31. Signs	Yes	yes	yes	yes	yes
32. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
33. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
34. Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB

Footnotes for Land uses in the Shoreland Zone**:**

1 In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

2 Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

3 In RP not allowed in areas so designated because of wildlife value.

4 Provided that a variance from the setback requirement is obtained from the Board of Appeals.

5 See further restrictions in Section 15(L)(2).

6 Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

7 Except as provided in Section 15(H)(4).

8 Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.

9 Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

10 Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

11 Permit not required, but must file a written "notice of intent to construct" with *CEO*.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to 38 M.R.S.A. section 480-C, if the activity occurs in, on, over or adjacent to any freshwater wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
B. Draining or otherwise dewatering;

C. Filling, including adding sand or other material to a sand dune; or

D. Any construction or alteration of any permanent structure.

15. Land Use Standards. All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(1)		
(a) Residential per dwelling unit	40,000	200
(b) Governmental, Institutional, Commercial or Industrial per principal structure	60,000	300
(c) Public and Private Recreational Facilities	40,000	200

(2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

(3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

(4) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

(5) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

B. Principal and Accessory Structures

(1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development I District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

(a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

(b) All principal structures along Significant River Segments as listed in 38 M.R.S.A. section 437 (see Appendix B), shall be set back a minimum of one hundred and twenty-five (125) feet, horizontal distance, from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.

(c) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

NOTE: A tributary stream may be perennial or intermittent. Where a tributary stream is present within the shoreland zone, setback standards from that tributary stream are applicable.

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(2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

(3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent floodplain soils.

(4) The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to rivers that do not flow to great ponds classified GPA, where lot coverage shall not exceed seventy (70) percent.

(5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

(a) The site has been previously altered and an effective vegetated buffer does not exist;

(b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

(c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

(d) The total height of the wall(s), in the aggregate, are no more than 24 inches;

(e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.

(f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

(g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

(i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

(ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

(iii) Only native species may be used to establish the buffer area;

(iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

(v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

NOTE: If the wall and associated soil disturbance occurs within 75 feet, horizontal distance, of a water body or tributary stream, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.

(6) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.

(1) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

(2) The location shall not interfere with existing developed or natural beach areas.

(3) The facility shall be located so as to minimize adverse effects on fisheries.

(4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.

(5) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending below the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.

(6) New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

(7) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending below the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

(8) Except in the General Development Districts, structures built on, over or abutting a pier, wharf, dock or other structure extending below the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

NOTE: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

D. Campgrounds. Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

(1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. 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.

(2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites. Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

(1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

(2) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

(3) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

(4) The clearing of vegetation for the sitting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

(5) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

(6) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses. The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

(1) Auto washing facilities

(2) Auto or other vehicle service and/or repair operations, including body shops

(3) Chemical and bacteriological laboratories

(4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms

NOTE: 22 M.R.S.A. section 1471-U requires municipal ordinances that apply to pesticide storage, distribution or use be filed with the Maine Board of Pesticides Control, 28 State House Station, Augusta, ME 04333. If a municipality's ordinance is more inclusive or restrictive than these Guidelines, as it pertains to pesticides, a copy of the ordinance must be filed with the Board of Pesticides Control.

(5) Commercial painting, wood preserving, and furniture stripping

(6) Dry cleaning establishments

(7) Electronic circuit assembly

(8) Laundromats, unless connected to a sanitary sewer

(9) Metal plating, finishing, or polishing

(10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas

(11) Photographic processing

(12) Printing

G. Parking Areas

(1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development I District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

(2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

(3) In determining the appropriate size of proposed parking facilities, the following shall apply:

(a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

(b) Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways. The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

(1) Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15 (H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

(2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.

(3) New permanent roads are not allowed within the shoreland zone along Significant River Segments except:

(a) To provide access to structures or facilities within the zone; or

(b) When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

(4) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

(5) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).

(6) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

(7) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

(8) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

(a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

(b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

(c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

(d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

(9) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

I Signs. The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:

(1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

(2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.

(3) Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

(4) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

(5) Signs relating to public safety shall be allowed without restriction.

(6) No sign shall extend higher than twenty (20) feet above the ground.

(7) Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

(1) All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

(2) Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

NOTE: The Stormwater Management Law (38 M.R.S.A. section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with 1 acre or more of developed area in any other stream, coastal or wetland watershed. A permit-by-rule is necessary for a project with one acre or more of disturbed area but less than 1 acre impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

K. Septic Waste Disposal

(1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

NOTE: The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

L. Essential Services

(1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

(2) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists.

Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

(3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

M. Mineral Exploration and Extraction. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

(1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.

(2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

(3) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.

(4) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

(a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

NOTE: The State of Maine Solid Waste Laws, 38 M.R.S.A., section 1301 and the solid waste management rules, Chapters 400-419 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

(b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.

(c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

(5) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

(1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

(2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

(3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

NOTE: Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office.

(4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

NOTE: 17 M.R.S.A. section 2805(4) requires a municipality to provide the Commissioner of Agriculture, Food and Rural Resources with a copy of any proposed ordinance that impacts farm operations. The law further requires the Commissioner to review the proposed ordinance and advise the municipality if the proposed ordinance would restrict or prohibit the use of best management practices. A copy of a shoreland zoning ordinance that regulates no more restrictively than contained in these Guidelines need not be provided to the Commissioner of Agriculture, Food and Rural Resources.

O. Timber Harvesting

Timber Harvesting in the Shoreland Zone is enforced by the Maine Forest Service.

Historical Note: Section 13-500, §15-O; Timber Harvesting in the Shoreland Zone was deleted January 1, 2013.

P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

(1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

(2) Except in areas as described in Section P(1), above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

(a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

(b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2<4 in.	1
4<8 in.	2
8<12 in.	4
12 in. or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

NOTE: As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

(4x1)+(2x2) + (3x4) + (2x8) = 36 points

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points (36- 24 =12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

(i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
(ii) Each successive plot must be adjacent to, but not overlap a previous plot;
(iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
(v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

(c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.

(d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

(e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

(3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level.

Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision shall not apply to the General Development Districts.

(4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

(5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

Q. Erosion and Sedimentation Control

(1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

(a) Mulching and revegetation of disturbed soil.

(b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

(c) Permanent stabilization structures such as retaining walls or riprap.

(2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

(3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

(4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

(a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

(b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

(c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

(5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

R. Soils. All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

S. Water Quality. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

T. Archaeological Site. 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 permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

16. Administration

A. Administering Bodies and Agents

(1) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

(2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. section 2691.

(3) Planning Board. A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required. After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

(1) A permit is not required for the replacement of an existing road culvert as long as:

(a) The replacement culvert is not more than 25% longer than the culvert being replaced;

(b) The replacement culvert is not longer than 75 feet; and

(c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

(2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

(3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

(1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.

(2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

(3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

(4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete.

The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

(1) Will maintain safe and healthful conditions;

(2) Will not result in water pollution, erosion, or sedimentation to surface waters;

(3) Will adequately provide for the disposal of all wastewater;

(4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

(5) Will conserve shore cover and visual, as well as actual, points of access to inland waters;

(6) Will protect archaeological and historic resources as designated in the comprehensive plan;

(7) Will avoid problems associated with floodplain development and use; and

(8) Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.

E. Special Exceptions. In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

(1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

(2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

(3) All proposed buildings, sewage disposal systems and other improvements are:

(a) Located on natural ground slopes of less than 20%; and

(b) Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood plain elevation; and the development is otherwise in compliance with any applicable municipal flood plain ordinance. If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year floodplain.

(4) The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

(5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. Installation of Public Utility Service. A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

H. Appeals

(1) Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

(a) Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

(b) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

(2) Variance Appeals. Variances may be granted only under the following conditions:

(a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

(b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

(c) The Board shall not grant a variance unless it finds that:

(i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and

(ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

a. That the land in question cannot yield a reasonable return unless a variance is granted;

b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

c. That the granting of a variance will not alter the essential character of the locality; and

d. That the hardship is not the result of action taken by the applicant or a prior owner.

(d) Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability.

The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term “structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

(e) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

(f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments

received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a "de novo" hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a "de novo" capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board.

The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

(4) Appeal Procedure

(a) Making an Appeal

(i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

(ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:

a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

(iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.

(iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

(b) Decision by Board of Appeals

(i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.

(ii) The person filing the appeal shall have the burden of proof.

(iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

(iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be

mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

(5) Appeal to Superior Court. Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

(6) Reconsideration. In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision.

Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

I. Enforcement

(1) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.

(2) Code Enforcement Officer

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

(b) The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

(c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

(3) Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

(4) Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

NOTE: Current penalties include fines of not less than $100 nor more than $2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to $5000 (38 M.R.S.A. section 4452).

17. Definitions.

Accessory structure or use - a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Aggrieved party - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture - the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green-house products. Agriculture does not include forest management and timber harvesting activities.

Aquaculture - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Basal Area - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Boat Launching Facility - a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Campground - any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Canopy – the more or less continuous cover formed by tree crowns in a wooded area.

Commercial use - the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

DBH – the diameter of a standing tree measured 4.5 feet from ground level.

Development – a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional requirements - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Driveway - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

Emergency operations - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

Essential services - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Expansion of a structure - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.
Expansion of use - the addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

Family - one or more persons occupying a premises and living as a single housekeeping unit.

Floodway - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floor area - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Forest management activities - timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

Forested wetland - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Foundation - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

Freshwater wetland - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

1. Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

   Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or

processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters.

Great pond - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner,

Great pond classified GPA - any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Ground cover – small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Height of a structure - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

Home occupation - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Increase in nonconformity of a structure - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual private campsite - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fire place, or tent platform.

Industrial - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Institutional – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Lot area - The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two lots.

Marina - a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

Market value - the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mineral exploration - hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minimum lot width - the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Multi-unit residential - a residential structure containing three (3) or more residential dwelling units.

Native – indigenous to the local forests.

Non-conforming condition – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.
Non-conforming lot - a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure - a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use - use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal high-water line - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high-water are considered part of the river or great pond.

Person - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

Piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line or within a wetland.

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure - a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

Principal use - a use other than one which is wholly incidental or accessory to another use on the same premises.

Public facility - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent floodplain soils - the following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook Sunday	Winooski	

Recreational facility - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational vehicle - a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.
Residual basal area - the average of the basal area of trees remaining on a harvested site.

Riprap - rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River - a free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

Road - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Service drop - any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. in the case of electric service

    a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

    b. the total length of the extension is less than one thousand (1,000) feet.

2. in the case of telephone service

    a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

    b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback - the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Shoreline – the normal high-water line, or upland edge of a freshwater wetland.

Significant River Segments - See Appendix B or 38 M.R.S.A. section 437.

Skid trail – a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

Stream - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.

Structure - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Substantial start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Sustained slope - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

Tributary stream – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Upland edge of a wetland - the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Vegetation - all live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

Volume of a structure - the volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water body - any great pond, river or stream.

Water crossing - any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland - a freshwater wetland.

Woody Vegetation - live trees or woody, non-herbaceous shrubs.

Historical Note: Section 13-500; Shoreland Zoning Ordinance adopted September 14, 2009.

Appendix A

City of Caribou
Official Shoreland Zoning Map – See Attached

Sec. 13-600 Flood Hazard Area Regulations.

Sec. 13-601 Establishment.

The City of Caribou, Maine elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town having a special flood hazard be identified by the Federal Emergency Management Agency (FEMA) and the floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the City of Caribou, Maine.

The areas of special flood hazard, Zones A and A1-30, identified by FEMA in a report entitled "Flood Insurance Study-City of Caribou, Maine, Aroostook County, "dated February, 1980 with accompanying "Flood Insurance Rate Map" and "Flood Boundary and Floodway Map" dated August 1, 1980 is hereby adopted by reference and declared to be a part of this Ordinance.

Sec. 13-602 Permit Required.

Before any construction or other development (as defined in 13-614), including the placement of manufactured homes, begins within any areas of special flood hazard established in 13-602, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the City of Caribou, Maine.

Sec. 13-603 Application for Permit.

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

A. The name and address of the applicant;
B. An address and a map indicating the location of the construction site;
C. A site plan showing location of existing and/or proposed structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimension;
D. A statement of the intended use of the structure;
E. A statement as to the type of sewage system proposed;
F. Specification of dimensions of the proposed structure;
G. The elevation in relation to the National Geodetic Vertical Datum (NGVD) or to a locally established datum in Zone A only, of the:

    1. base flood at the proposed site of all new or substantially improved structures, which is determined:

        a: in Zones A1-30 from data contained in the "Flood Insurance Study-City of Caribou, Maine," as described in 13-602; or,
        b: in Zone A, to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through a site of the proposed building;

    2. highest and lowest grades at the site adjacent to the walls of the proposed building;
    3. lowest floor, including basement; and whether or not such structures contain a basement; and,
    4. level, in the case of non-residential structures only, to which the structure will be floodproofed;

H. A description of a base flood elevation reference point established on the site of all new or substantially improved structures;
I. A written certification by a registered land surveyor that the elevations shown on the application are accurate;

J. Certification by a registered professional engineer or architect that flood proofing methods for any non-residential structures will meet the flood proofing criteria of 13-604. G.4;13-607. G; and other applicable standards in 13-607.

K. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

L. A statement of construction plans describing in detail how each applicable development standard in 13-607 will be met.

Sec. 13-604 Application Fee and Expert's Fee.

A non-refundable application fee of $10.00 shall be paid to the City Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer and/or the Board of Appeals needs the assistance of a professional engineer or other experts. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision of the Code Enforcement Officer may appeal that decision to the Board of Appeals.

Sec. 13-605 Review of Flood Hazard Development Permit Applications.

The Code Enforcement Officer shall:

A. Review all applications for the Flood Hazard Development Permit to assure that proposed building sites are reasonably safe from flooding and to determine that all pertinent requirements of 13-607 (Development Standards) have, or will be met;

B. Utilize, in the review of all Flood Hazard Development Permit applications, the base flood data contained in the "Flood Insurance Study-City of Caribou, Maine," as described in 13-602. In special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other sources, including information obtained pursuant to 13-604. G1b; 13-607. J; and 13-609. D, in order to administer 13-607 of this Ordinance;

C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in 13-602 of this Ordinance;

D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal and state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

E. Notify adjacent municipalities, the Department of Environmental Protection, and the Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course;

F. Issue a two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an application for Part II of the Flood Hazard Development Permit and shall include an Elevation Certificate completed by a registered Maine surveyor for compliance with the elevation requirements of 13-607, paragraphs F, G, and H. Following review of the application, which review shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; and,

G. Maintain, as a permanent record, copies of all Flood Hazard Development Permits issued and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of 13-610 of the Ordinance, and copies of Elevation Certificates and Certificates of Compliance required under the provisions of 13-608 of this Ordinance.

Sec. 13-606 Development Standards.

All developments in areas of special flood hazard shall meet the following applicable standards:

A. New construction or substantial improvement of any structure shall:

1. be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. use construction materials that are resistant to flood damage;
3. use construction methods and practices that will minimize flood damage; and,
4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

B. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

C. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

D. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. All development shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any watercourse.

F. New construction or substantial improvement of any residential structure located within:

1. Zones A1-30 shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to 13-604. G.1.b., 13-606. B; or 13-609. D.

G. New construction or substantial improvement of any non-residential structure located within:

1. Zones A1-30 shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:

   a. be floodproofed to at least one foot above the base flood level so that below that elevation the structure is watertight with walls substantially impermeable to passage of water;
   b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
   c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by 13-604. J. and shall include a record of the elevation above mean sea level of the lowest floor including basement.

2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to 13-604. G.1.b.; 13-606. B; or 13-609. D.

H. New or substantially improved manufactured homes located within:

1. Zones A1-30 shall:

   a. be elevated on a permanent foundation so that the lowest floor is at least one foot above the base flood elevation; and,
   b. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

(1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (homes less than 50 feet long require one additional tie per side); or by,
(2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (homes less than 50 feet long require four additional ties per side).
(3) all components of the anchoring system described in 13-607. H.1 shall be capable of carrying a force of 4800 pounds.

2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to 13-604. G.1.b; 13-606. B.; or 13-609. D.

I. Recreational Vehicles located within:

1. Zones A1-30 shall either:

a. Be on the site for fewer than 180 consecutive days,
b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
c. Meet the permit requirements of elevation and anchoring requirements for "manufactured home" in 13-607. H. a&b.

J. Floodways

1. In Zones A1-30 encroachments, including fill, new construction, substantial improvement, substantial improvement, and other development shall not be permitted in riverine areas, for which a regulatory floodway is designated on the community's "Flood Boundary and Floodway Map", unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones A1-30, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
3. In Zone A riverine areas, in which the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided meeting the requirements of 13-607, paragraph J.2.

K. New construction or substantial improvement of any structure in Zones A1-30 and A that meets the development standards of 13-607, including the elevation requirements of 13-607, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts", or crawlspaces may be enclosed below the elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in 13-614; and,
2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either:

a. be certified by a registered professional engineer or architect; or,
b. meet or exceed the following minimum criteria:

(1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
(2) the bottom of all openings shall be no higher than one foot above the lowest grade; and,
(3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means; and,

3. The enclosed area shall not be used for human habitation; and,
4. The enclosed area may be used for building maintenance, access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

Sec. 13-607 Certificate of Compliance.

No land in a special flood hazard area shall be occupied or used and not structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

A. The applicant shall submit an Elevation Certificate completed by:

1. a registered Maine surveyor for compliance with 13-607, paragraphs F, G, H, or K; and,
2. a registered professional engineer or architect, in the case of flood proofed non-residential structures, for compliance with 130607. G; and,

B. The application for a Certificate of Compliance shall be submitted by the applicant in writing along with a completed Elevation Certificate to the Code Enforcement Officer.
C. The Code Enforcement Officer shall review the application within 10 working days of receipt of the application and shall issue a Certificate of Compliance, provided the building conforms with the provisions of this Ordinance.

Sec. 13-608 Review of Subdivision and Development Proposals.

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more acres, or in the case of manufactured home parks divided into two or more lots, assure that:

A. All such proposals are consistent with the need to minimize flood damage.
B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood dames.
C. Adequate drainage is provided so as to reduce exposure to flood hazards.
D. All proposals include base flood elevation and, in a riverine floodplain, floodway data.
E. Any proposed development plan shall include a statement that the developer will require that structures on lots in the development be constructed in accordance with 13-607 or this ordinance and that such requirements will be included in any deed, lease or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. That statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or nay other document previously described. The construction requirement shall also be stated on any map, plat or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

Sec. 13-609 Appeals and Variances.

The Board of Appeals of the City of Caribou, Maine, may, upon written application of an aggrieved party, hear and decide appeals from determinations of the Code Enforcement Officer in the administration of the provisions of this Ordinance. The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
B. Variances shall be granted only upon:

1. a showing of good and sufficient cause; and,
2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,

3. a showing that the existence of the variance will not conflict with other state, federal or local laws or ordinances; and,
4. a determination that failure to grant the variance would result in "undue hardship", which is in this sub-section means:

    a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
    b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
    c. that the granting of a variance will not alter the essential character or the locality; and,
    d. that the hardship is not the result of action taken by the applicant or a prior owner.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances may be issued by a community for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

1. other criteria of 13-910 and 13-607.J. are met; and,
2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued by a community for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places, without regard to the procedures set forth in 13-910, paragraphs A through D.

F. Any applicant who meets the criteria of 13-910, paragraphs A through E shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 Per $100 of insurance coverage;
2. such construction below the base flood level increases risks to life and property; and,
3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. The Board of Appeals shall submit to the Code Enforcement Officer a report to all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

Sec. 13-610 Enforcement and Penalties.

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to 30A MRSA § 4452.

B. The penalties contained in 30A MRSA § 4452 shall apply to any violation of this ordinance.

C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, or ordinance;
3. a statement that the public body making the declaration has authority to do so and a citation to that authority;
4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1969, as amended.

Sec. 13-611 Validity and Severability.

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Sec. 13-612 Conflict with other Ordinances.

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

Sec. 13-613 Definitions.

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

Adjacent Grade: Means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Area of Special Flood Hazard: Means the land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in 13-602 of this Ordinance.

Base Flood: Means the flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement: Means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Wall: Means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building: See Structure.

Certificate of Compliance: A document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Code Enforcement Officer: Any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

Development: Means any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities.

Elevated Building: Means a non-basement building:

(i) built, in the case of a building in Zones A1-30 and A, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts", and
(ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A1-30 and A, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls less than three feet in height with openings sufficient to facilitate the unimpeded movement of flood waters.

Elevation Certificate: An official form (FEMA Form 81-31, 05/93, as amended) that:

(i) is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
(ii) is required for purchasing flood insurance.

Flood or Flooding: Means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.
(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood Elevation Study: Means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM): Means an official map of a community, on which the Administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study: See Flood Elevation Study.

Floodplain or Flood-prone Area: Means any land area susceptible to being inundated by water from any source (see flooding).

Floodplain Management: Means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations: Means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain Ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood proofing: Means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and contents.

Floodway: See Regulatory Floodway.

Floodway Encroachment Lines: Means the lines marking the limits of floodways on federal, state and local floodplain maps.

Freeboard: Means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Functionally Dependent Use: Means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure: Means any structure that is:

(a). Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
(b). Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
(c). Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
(d). Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

1). By an approved state program as determined by the Secretary of the Interior, or
2). Directly by the Secretary of Interior in states without approved programs.

Locally Established Datum: Means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lowest Floor: Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in 13-607 of this ordinance.

Manufactured Home: Means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision: Means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: Means, for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate map are referenced.

New Construction: Means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

100-year flood: See Base Flood.

Recreational Vehicle: Means a vehicle which is:

(a) built on a single chassis;
(b) 400 square feet or less when measured at the largest horizontal projection;
(c) designed to be self-propelled or permanently towable by a light duty truck; and,
(d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway:

(i) means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and

(ii) in riverine areas is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine: Means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area: See Area of Special Flood Hazard.

Start of Construction: Means the date the building permit was issued, provided the actual start of Construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or Other improvement was within 180 days of the permit date. The actual start means either the first Placement of permanent construction of a structure on a site, such as the pouring of slab or footings, The installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: Means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Substantial Damage: Means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement: Means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include their:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local Code Enforcement Official and which are the minimum necessary to assure safe living conditions; or
(2) Any alteration of historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance: Means a grant of relief by a community from the terms of a floodplain management regulation.

Violation: Means the failure of a structure or development to comply with a community's floodplain management regulations.

Sec. 13-614 Abrogation.

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1969 (P.L. 90-488, as amended).

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.~~B. Each dwelling unit shall be provided one (1) off-street parking space separate from customer parking.

~~D.~~C. Subsurface sewage disposal, where applicable, shall be provided that complies with the State of Maine Subsurface Sewage Disposal Rules.

~~E.~~D. 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.~~E. All provisions of the City Building Code, Property Maintenance Code and the Life Safety Code shall be met. Copies of which are available at the Caribou Municipal Building.

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~~ drain, 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. Unless otherwise authorized in subsection F below, 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.**

~~6.~~ Reference Maine State Statute 10-144 Department of Health and Human Services Chapter 205: Rules Relating To Campgrounds ~~A campground and/or recreational vehicle (RV) park shall conform to the minimum requirements imposed under State licensing procedures of 10-144 DEPARTMENT OF HEALTH AND HUMAN SERVICES Chapter 205: RULES RELATING TO CAMPGROUNDS 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 three (3) acres in the R-2 District no less than seven (7) acres in the R-3 District. All R.V. and tents shall be located at least 25 feet (7.6 m.) from boundary lines, and 100 feet (30.5 m.) from the normal high water mark of a great pond classified GPA or a river flowing to a great pond classified GPA, and 75 feet (22.9 m.) from the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland subject to the 250 foot (76.2 m.) Shoreland Zoning requirements and 200 feet from any residence, exclusive of the residence belonging to the owner.
2. Sites in the R-2 district shall be laid out and screened in such a manner that none are within view from public roads 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. No screening required in the R-3 District.
3. No trailers or mobile homes, other than RVs, shall be permitted within any campground and/or RV park, temporarily or otherwise.
4. Bunkhouses that are part of a licensed campground or recreational camp are not considered lodging places. For further information regarding Lodging Places see10-144 DEPARTMENT OF HUMAN SERVICES BUREAU OF HEALTH DIVISION OF HEALTH ENGINEERING Chapter 206 RULES RELATING TO LODGING ESTABLISHMENTS.
5. 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

B. Minimum lot sizes.

1. Sites shall contain a minimum of 1000 square feet (92.9 sq. m.) (not including roads and streets) for each R.V. and tent site, except that in areas subject to the 250 foot (76.2 m.) mandatory *Shoreland Zoning Act*, there shall be a minimum of 5,000 square feet (464.5 sq. m.) of suitable land, (not including roads and streets,) for each site. The minimum frontage of a tent site or RV site along any shoreline of a waterbody shall be 50 feet.
2. Use of tent sites or RV sites located within the 100-year floodplain shall be prohibited between March 1 and May 31 and during seasonal flooding events.
3. Recreational Vehicles located within Zones A1-30, as indicated on the National Flood Insurance Program Rate Maps (FIRM) shall either:
   a. Be on the site for fewer than 180 consecutive days.
   b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions; or
   c. Meet the permit requirements of elevation and anchoring requirements for "manufactured home" in Flood Hazard Area regulations 13-606. H. a & b.

C. Parking and Circulation.

1. A minimum of three hundred (300) square feet of off-street parking plus maneuvering space shall be provided or 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. Roads and streets: All parking areas shall be provided with safe and convenient vehicular access from abutting public streets or roads to each R.V. site. Alignment and gradient shall be properly adapted to topography.
   a. Surfacing and maintenance: Surfacing and maintenance shall provide a smooth, hard, and dense surface which shall be well drained.
   b. Access to sites: Access to R.V. sites shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets.

3. Standards for the construction of roads and/or driveways and drainage systems, culverts, and other related features applicable in the Shoreland Zone can be found in *Sec. 13-500 Shoreland Zoning Ordinance. 15. Land Use Standards H. Roads and Driveways.*

D. Health and Safety.

1. A campground and/or RV park shall provide water and sewerage disposal systems, sanitary facilities, and convenience facilities in accordance with the regulations of 10-144 DEPARTMENT OF HUMAN SERVICES Chapter 205 RULES RELATING TO CAMPGROUNDS and the Maine Subsurface Wastewater Disposal Rules 144A CMR 241. All RV sites shall be equipped with water and sewage hook-ups and connected to approved distribution or disposal systems.

E. 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.
   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. Best management practices shall be employed for soil erosion and sedimentation control and a Storm Water Runoff Plan 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 plantings tolerant to existing and proposed site conditions, and blending compatible with existing natural vegetation should be selected to provide screening and shelter.
   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).

Historical Note: Section 13-700 §6 as amended June 14, 2021 and December 13, 2021.

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.

A. Purpose. The purposes of this section are to:

1. Provide an opportunity for Home Occupations to be conducted as an accessory use when they are compatible with the neighborhoods in which they are located.
2. Guide certain business activities that are not compatible with neighborhoods to other, more appropriate commercial zones.
3. Safeguard peace, quiet, and domestic tranquility within all residential neighborhoods. Protect residents from the adverse effects of noise, nuisance, traffic, fire hazards, and other possible business uses that create significant impacts on a neighborhood.
4. Provide a means to regulate and enforce Home Occupations.

B. Scope. All Home Occupations must adhere to the standards and qualifications listed in this section and those imposed under the authority of the Planning Board in accordance with this ordinance.

C. Permit Required. All Home Occupations shall obtain annually a Home Occupation Permit from the Code Enforcement Officer.

D. Home Occupation General Standards. All Home Occupations shall comply with the following standards at all times:

1. *Bona Fide Resident.* The Home Occupation business shall be owned and operated solely by a bona fide resident of the home. If the applicant for a Home Occupation license rents or leases the property wherein the Home Occupation is intended to be conducted, the applicant must provide a letter of acknowledgment and consent from the property owner as an attachment to the application for a Home Occupation permit.
2. *Employees*. No more than one full-time or full-time equivalent nonresident may be employed, volunteer, or work on the premises where the Home Occupation business is located.
3. *Accessory Use on the Property.*
   a. For residential purposes, the Home Occupation shall be clearly secondary and incidental to the primary use of the dwelling unit.
   b. The Home Occupation must maintain or improve the external residential appearance of the principal structure, attached or detached garage, or accessory structure.
   c. The Home Occupation applicant must designate the portion of the home, accessory structure, or attached or detached garage to be used as the location for business activities.
   d. The Home Occupation shall not involve the use of any open and publicly-visible yard space for storage or display of supplies, inventory, or equipment when such use is in conjunction with the sales, service, or production of goods, unless specifically stored within trailers or accessory structures as allowed herein.
4. *Business Vehicles and Parking*
   a. All business-related vehicles that park at the location of the Home Occupation must use off-street parking. This provision excludes stops made by delivery vehicles. Customers or Clients may utilize on-street parking along the home frontage in accordance with street parking standards.
   b. Business Vehicles exceeding a Gross Vehicle Weight (GVW) of 8,000 pounds, trailers, and related equipment must be stored to the side or rear of the home.
   c. No parking is permitted on landscaped areas of the property.

5. *Signage*. A single sign is permitted, provided such sign is non-illuminated and does not exceed two feet in any dimension.
6. *Conformity with Health and Safety Codes.* The Home Occupation shall conform to all fire, building, plumbing, electrical, and all other City, County, State, and Federal codes.
7. *Neighborhood Disruptions Not Permitted.* The Home Occupation shall not interfere or disrupt the peace, quiet, and domestic tranquility of the neighborhood. The Home Occupation shall not create, be associated with, or produce odor, smoke, dust, heat, fumes, light, glare, noises or vibrations, excessive traffic, or other nuisances, including interferences with radio and television reception, or any other adverse effects within the neighborhood.
8. *State Licenses.* Any business required to be licensed by the State of Maine, including but not limited to caregivers, day care facilities, food preparation services, etc. must provide the City with proof of current licensure through the appropriate State agency.
9. *Maximum Floor Space.* No more than 50 percent of the dwelling unit shall be utilized for the Home Occupation, and up to 100 percent of any accessory structure on the same lot as the dwelling unit may be utilized for the Home Occupation.

E. Categories of Home Occupation Permits. Home Occupation businesses are classified as Category I, Permitted Home Occupations, or Category II, Conditional Use Home Occupations. A Category I, Permitted Home Occupation requires review and approval by the Code Enforcement Officer. A Category II, Conditional Use Home Occupation requires review and approval by the Planning Board. All Home Occupations that require State of Maine Licensure are considered Category II, Conditional Use Home Occupations.

F. Category I Qualifications. In addition to the general standards set forth in Paragraph D above, all Category I Home Occupation businesses must comply with the qualifications outlined below. If a business cannot comply fully with all of the Category I Qualifications set forth below, the applicant may pursue approval as a Category II, Conditional Use Home Occupation (see Paragraph G below).

1. Hours. No visitors in conjunction with the Home Occupation (clients, patrons, employees, volunteers, students, pupils, etc.) shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.

2. *Traffic.* Vehicular traffic from business-related visitors and customers shall not exceed that which normally and reasonably occurs in the neighborhood and shall not produce excessive noise or parking nuisances. Category I Home Occupations may be serviced by occasional delivery vehicles, limited to the shipment or receipt of merchandise, goods, or supplies, so long as the frequency of those deliveries do not create a nuisance to surrounding residents.

G. Category II, Conditional Use Permit Required. If a Home Occupation is able to comply with all of the general standards in Paragraph D above but is unable to comply with all of the Category I qualifications established in Paragraph F, or if the Home Occupation requires State of Maine Licensure, the proposed business is subject to review by the Planning Board. In addition, any application proposing two or more Home Occupation permits, and associated with the same dwelling unit, shall be reviewed by the Planning Board, to ensure that the cumulative impacts of the proposed Home Occupations comply with city ordinances. The following standards or business types shall be reviewed by the Planning Board for approval.

1. *General.* In addition to any conditions established by the Planning Board at the time of its review, all Category II Home Occupations must comply with the following:
    a. All Category II Home Occupations shall be conducted only from single-family dwellings.
    b. Proposed uses may be determined to be appropriate as Home Occupations only if they are judged to be compatible with residential neighborhoods by the Planning Board conditional use review.
    c. Vehicular traffic from business-related visitors and customers shall not exceed that which normally and reasonably occurs in the neighborhood, except as provided for in Item 2. "Child Day Care and Other Group Child Activities" below. Traffic from Category II Home Occupations shall not produce excessive noise or parking nuisances and may be serviced by occasional delivery vehicles, limited to the shipment or receipt of merchandise, goods, or supplies, so long as the frequency of those deliveries do not become a nuisance to surrounding residents.
2. *Child Day Care and Other Child Group Activities.* Refer to Section 13-760 "Daycare Facilities" of the City of Caribou Code and 10-148 CODE OF MAINE RULES CHAPTER 32 to comply with State of Maine licensing requirements. All home-based child day care and group activities licensed by the State of Maine are considered Category II, Conditional Use Home Occupations.
3. *Adult Day Care.* Refer to MRS Title 22 Chapter 1679 Adult Day Care Program Subsections 8601-8606. Any home-based Adult Day Care that exceeds two individuals 60 years of age or older, or more than 12 hours per day of operation requires State of Maine licensure, and is therefore considered a Category II, Conditional Use Home Occupation.
4. *Dangerous Home Occupations.* Any proposed Home Occupation that uses explosives, incendiary products and devices, flammable materials, or hazardous chemicals in amounts greater than typical household quantities is considered a Category II, Conditional Use Home Occupation.

H. Prohibited Home Occupations. The following uses, by nature of the occupation, substantially impair the use and value of residentially-zoned areas for residential purposes and are, therefore, prohibited:

1. Mortuary, crematorium, columbarium, or mausoleum.
2. Animal hospital or veterinary service, except in the R-3 zone with a Category II, Conditional Use Home Occupation permit.
3. Clinic, dental office, medical office, chiropractic office, or hospital, except in the R-3 zone with a Category II, Conditional Use Home Occupation permit.
4. Junkyard, auto wrecking yard, or salvage yard within the urban compact area. Any Junkyard, auto wrecking yard, or salvage yard outside of the urban compact area must comply with separate local and state licensing procedures.
5. Stable, kennel, pet store, or any other commercial animal breeding business or similar activity, except in the R-3 zone with a Category II, Conditional Use Home Occupation permit.
6. Storage, service, repair, or sales of ambulances, tow trucks, recreational vehicles, watercraft, automobiles, ATVs, or other motorized vehicles within the urban compact area. Home Occupations desiring to conduct these types of activities in the R-3 zone may be permitted, subject to a Site Design Review by the Planning Board and must be at least 300 feet from any neighboring dwelling.

7. Use of specified chemicals, pesticides and flammable/combustible materials, including any other process or business where current adopted Building and Fire Codes requires an operational permit.
8. Bed and breakfast facilities. (Regulated under separate rules – see Section 13-700.4)

Section 13-900 Definitions

Home Occupation: An occupation or profession that is conducted for financial gain on a dwelling site or in the associated dwelling unit by a member of the family residing in the unit, and which is clearly incidental to and compatible with the primarily residential use of the property and surrounding residential uses. A Home Occupation shall not be construed to mean an employee working in his/her home in the service of an employer, whose principal place of business is at another location.

Historical Note: Section 13-700 §13 as amended May 9, 2022

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.

1. 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.

4. 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.

5. 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.

Including Animal Shelters, Boarding Kennels, Breeding Kennels and Rescue Group facilities. This ordinance does not regulate or limit the number of domesticated privately owned household pets. Refer to Land Use Table to see where these are allowed.

Animal Shelter, "means a facility that houses animals and operates for the purpose of providing stray, abandoned, abuses or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes." ~~Animal Shelters are not allowed in the R1, R2, C1 & H-1 zones. Animal Shelters are allowed in RC-2, R-3, C-2, I-1 & I-2 zones with site design review and planning board approval~~.

Boarding Kennel, "means any place, building, tract of land or abode in or on which 3 or more privately owned companion animals are kept any one time for their owners in return for a fee or compensation and includes a facility where 3 or more companion animals are kept for training purposes for compensation." ~~Boarding Kennels are not allowed in the R-1, R-2, C-1 & H-1 zones. Boarding Kennels are allowed in the RC-2, R-3, C-2, I-1 & I-2 zones with site design review and planning board approval.~~

Breeding Kennel, "means a location where 5 or more adult female dogs, wolf hybrids or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value or a location where more than 16 dogs or cats raised on the premises are sold to the public in a 12-month period. Breeding Kennel does not include a kennel licensed by a municipality under Section 3923-C when the dogs are kept primarily for hunting, show, training, sledding, competition, field trails or exhibition purposes and not more than 16 dogs are offered for sale, sold or exchanged for value within a 12-month period." ~~Breeding Kennels are not allowed in the R-1, R-2, C-1, C-2 & H-1 zones. Breeding Kennels are allowed in the RC-2, R-3, I-1 & I-2 zones with site design review and planning board approval.~~

Rescue Group, "means an organization or individual that receives animals that have been abandoned, surrendered or removed from an animal facility or that take in homeless dogs or cats and sells, gives or otherwise places the animals in private homes. Rescue group does not include a facility licensed under chapter 723." ~~Rescue Groups are not allowed in the R-1, R-2, C-1 & H-1 zones. Rescue Groups are allowed in the RC-2, R-3, C-2, I-1 & I-2 zones with site design review and planning board approval.~~

All buildings and or structures used as Kennels, Animal Shelters, Boarding Kennels, Breeding Kennels and Rescue Groups shall comply with A. through G. following:

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 wastes containing or including animal excrement, shall be kept tightly covered at all times.

E. No owner of animals or operator of a kennel shall allow any animals to create objectionable noise disturbance, odors, or other nuisances.
F. All other relevant standards of this ordinance shall also be observed.

Historical Note: Section 13-700 §17 Kennels was amended by the City Council on February 13, 2012.

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.
I. 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.
J. 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)~~ fifteen (15) 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)

	7 AM - 10 PM	10 PM - 7 AM
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~~ Southern Office to the owner of the rear lot and be a minimum of ~~50~~ 20 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~~ Southern 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.

B. 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.

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 $50.00 for each sign permit issued. Charitable and/or civic organizations must obtain a permit, however the fee is waived.

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. Property owners are responsible for the conditions of signs on their property; regardless of rental arrangements. Signs for businesses that have been closed or otherwise no longer operate are required to be maintained in the same condition noted above.
2. Except for banners, flags and temporary 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. 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 are exempt from this ordinance. The United States flag shall be flown in accordance with protocol established by the Congress of the United States in Chapter 1 of Title 4 of the United States Code.
4. 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.

D. Permitted Signs: The following types of signs are permitted, except where otherwise prohibited by law, and shall not ~~F.~~ 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.

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

1. 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 unless approved by the Police Chief or his/her designee; if applicant is aggrieved by the decision of the Police Chief he or she may appeal the decision of the Police Chief to the City Council.

2. No sign shall be located so that it interferes with the view necessary for motorists to proceed safely through intersections or to enter into or exit from public streets or private roads.
3. Temporary movable signs are allowed under the following uses:
   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.
   d. There must be a 30 day waiting period in between each 90 day period a temporary sign is erected.
   e. Temporary signs less than 12 square feet which are not displayed when the business is closed, are exempt from this ordinance.
4. Signs in any district shall not exceed 25 feet in height
5. Signs in any district shall not exceed 96 square feet
6. Signs in R-1 and R-2 districts that are not in compliance with the Home Occupation Ordinance or in a subdivision a sign for the purpose of identifying that subdivision exceeding 32 square feet are prohibited.

~~G.~~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. 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.

~~H.~~G. Specific Standards:

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

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

   a. In the case of a multi-tenant or unit commercial or industrial development, the owner of such premises is responsible for compliance with this ordinance.

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"), the owner of such premises is responsible for compliance with this ordinance.

~~I.~~H. Changeable Signs: The goal of the City is to regulate the frequency and manner of change of display on each side of a changeable sign in a manner consistent to that provided by State law, and to do so in a manner that promotes highway safety.

1. Definitions

   a. Changeable Sign: "Changeable Sign" means an on-premises sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally or mechanically altered by the complete substitution or replacement of one display by another on each side.
   b. Display: "Display" means that portion of the surface area of a changeable sign that is, or is designed to be, or is capable of being, periodically altered for the purpose of conveying a message.
   c. Message "Message" mans a communication conveyed by means of a visual display of text.

2. Regulations

   a. The display on each side of the changeable sign may be changed no more frequently than once every thirty (30) seconds.
   b. The display on each side of the changeable sign must change as rapidly as technologically practicable, but the display may change through phasing, rolling, scrolling or blending provided, however, that the display on each side of a changeable sign shall not flash.
   c. Changeable signs are only allowed in C-1, C-2, ~~RC-2~~ MU, and I-1~~, and I-2~~ districts.

3. Administration

   Pursuant to Title 23 M.R.S.A. Section 1914, Sub-Section 11-A, the changeable signs within the municipality and displays on each side of those changeable signs shall comply with all other requirements of State law. The City shall notify the Maine Department of Transportation in writing that it has adopted this Ordinance and shall send it a copy of the same. The City's Code Enforcement Officer shall administer the provisions of this Ordinance.

4. Penalty

   Any person who shall violate a provision of the Ordinance, or shall fail to comply with any of the requirements thereof, shall be found guilty of a civil offense, punishable by a fine of not less than $100.00, or more than $2,500.00. Each day that a violation continues shall be deemed a separate offense.

Historical Note: Section 13-700 §29 as amended June 27, 2005; Section 13-700 §13 as amended March 25, 2013; Section 13-700 §29 as amended June 10, 2013

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:

	Material	
Inside Diameter	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 15th 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 Medical Cannabis Dispensaries

Section 1. Authority. This Ordinance is adopted under authority granted by M.R.S. Title 22, Chapter 558-C, Maine Medical Use of Cannabis Act, § 2429-D.

Section 2: Purpose. The purpose of this Ordinance is to provide for and regulate the operation of Registered Medical Cannabis Dispensaries within the City of Caribou. This ordinance establishes clear guidelines for the operation of two (2) Registered Medical Cannabis Dispensaries in the City of Caribou, in accordance with M.R.S. Title 22, Chapter 558-C Maine Medical Use of Cannabis Act.

Section 3: No Caregiver Retail Stores Permitted. No business or individual shall operate or seek to establish a "Caregiver Retail Store" in the City of Caribou, as defined by M.R.S. Title 22 Ch. 558-C § 2421-A (12). However, this ordinance does not prohibit or limit the operation of "Caregivers," as defined in M.R.S. Title 22, Ch. 558-C, § 2421-A (11).

Section 4: No Adult Use Stores Permitted. No business or individual shall operate or seek to establish an "Adult Use Retail Store" under M.R.S. Title 28-B, Chapter 1 Cannabis Legalization Act.

Section 5. Registered Medical Cannabis Dispensary. A Registered Medical Cannabis Dispensary, as defined in M.R.S. Title 22, Ch. 558-C, § 2421-A (41), may operate in the City of Caribou, subject to the requirements and restrictions of this Ordinance.

Section 6. Definitions.

Registered Medical Cannabis Dispensary: Consistent with M.R.S. Title 22, Ch. 558-C §2421-A(41), an entity registered in accordance with this chapter that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies or dispenses cannabis paraphernalia, cannabis plants, harvested cannabis, related supplies or educational materials to qualifying patients and the caregivers of those patients.

Medical use: Consistent with M.R.S. Title 22, Ch. 558-C §2421-A (31), the acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of cannabis or cannabis paraphernalia relating to the administration of cannabis to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification under this chapter.

Section 7. Standards for Registered Medical Cannabis Dispensaries.

1. **Permit Required.** The establishment of a Registered Medical Cannabis Dispensary 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 and abutter notification within 500 feet 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. Following Site Design Review and after approval and direction of the City Council, the City Clerk is authorized to issue two (2) City of Caribou Registered Medical Cannabis Dispensary Permits. Applicants for a Registered Medical Cannabis Dispensary permit must complete an initial permit application and annual renewal applications, submitted on the appropriate form provided by the City, in accordance with City of Caribou Code, Chapter 7, Article XI.

2. **Zoning.**

a) Registered Medical Cannabis Dispensaries are allowed in Zones R3 and ~~RC2~~ MU ~~-~~only.

b) Registered Medical Cannabis Dispensaries may not be located:

i) Within 100 feet of an existing residential dwelling. This standard shall not apply to residential dwellings inside an owner occupied mixed-use building where the owner occupying the residential dwelling sells or leases commercial space for the use of Registered Medical Cannabis Dispensaries pursuant to this Chapter and all other City of Caribou and State of Maine requirements.

ii) Within a Drug Free Safe Zone, or within 500 feet of a pre-existing Private School, Day Care Facility, or House

of Public Worship.

3. **Security.** Registered Medical Cannabis Dispensaries must comply with the security requirements outlined in the Maine Medical Use of Cannabis Program Rule, 18-691 C.M.R., Ch. 2, § 3 (B) and any revisions, amendments, or updates thereto.

Section 8. Inspections and Compliance.

1. **Local Inspections.** All Registered Medical Cannabis Dispensaries must remain in compliance with applicable building, safety, fire, and health codes and shall be subject to inspection by the Code Enforcement Officer, Fire Department, Police Department, and any other designated municipal authority, as may be required.

2. **State Compliance.** All Registered Medical Cannabis Dispensaries must comply with the Maine Medical Use of Cannabis Act and must remain in good standing with the Maine Office of Cannabis Policy. On an annual basis, permitted Registered Medical Cannabis Dispensaries shall provide the Caribou Code Enforcement Officer proof of an active license issued by the Maine Office of Cannabis Policy.

Section 9. **Enforcement**. Any violation of this ordinance may result in enforcement actions, including fines, suspension or revocation of permit, and imposition of special conditions or constraints regarding operations, in accordance with applicable municipal procedures.

Section 10. Effective Date. This ordinance shall take effect 30 days after enactment by the Caribou City Council, and shall remain in effect until it is amended or repealed.

Section 11. Fees. A Registered Medical Cannabis Dispensary shall be subject to annual permitting fees, initial or renewal site inspection fees, and any additional compliance inspections fees that may be required, as outlined in City of Caribou Code, Chapter 7 § 1102(7).

Section 12. Penalty Any person violating the provisions of this ordinance may be liable for the penalties set forth in City of Caribou Code, Chapter 7 §1105.

~~**40.**~~

~~**41.**~~**40. Conditions of Keeping Livestock and Poultry**

1. Any livestock shall be kept at least 100 feet from any property line except pigs and hogs which shall be kept at least 200 feet from any property line and shall be kept at least 100 feet from any residential dwelling or water well.

2. Any poultry shall be kept at least 50 feet from any property line.

~~**42. Prohibiting Recreational Marijuana**~~**[REPEALED 5-11-26]**

~~**Section 1**. Authority. The ordinance is adopted pursuant to the Title 30-A M.R.S. §3001 and Title 7 M.R.S. c. 417.~~

~~**Section 2.** Purpose and Intent. The purpose of this ordinance is to impose a ban on the operation of Retail Marijuana Establishments and Retail Marijuana Social Clubs in the City of Caribou to protect the health, safety, and welfare of the people of Caribou as these activities constitute a nuisance.~~

~~**Section 3.** Prohibition. The operation of Retail Marijuana Establishments which includes Retail Marijuana Stores, Retail Marijuana Cultivation Facilities, Retail Marijuana Products Manufacturing Facilities, and Retail Marijuana Testing Facilities; and the operation of Retail Marijuana Social Clubs are prohibited within the City of Caribou, and therefore all activities related to the abovementioned retail uses such as, but not limited to, cultivation, possession, extraction, manufacturing, processing, storing, laboratory testing, labeling, transporting, delivering, dispensing, transferring, and distributing are expressly prohibited within the City of Caribou.~~

~~**Section 4.** Exemptions.~~

~~A. Personal Use of Marijuana. This ordinance shall not be construed to prohibit the Personal Use of Marijuana per Title 7 M.R.S. c. 417 section 2452.~~

~~B. Medical Use of Marijuana. This ordinance shall not be construed to limit any privileges or rights of a qualifying~~

patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act and the City of the Caribou Code of Ordinances, c. 56 Unified Development Ordinance.

Section 5. Relationship with Other Ordinances. Whenever a provision of this ordinance is inconsistent with another provision of any other ordinance, regulation, or statute, the more restrictive provision shall control.

Section 6. Validity and Severability. Should any section or provision of this ordinance be declared by the courts to be invalid, such a decision shall not invalidate any other section or provision of this ordinance.

Section 7. Enforcement.

i. Any duly designated Caribou Police Officer is authorized and shall have the authority to enforce all provisions of this ordinance.

ii. The City Manager is authorized to order that legal action be taken to enforce the provisions of this Ordinance.

Section 8. Cease Operations Order. A Police Officer may issue a written cease operations order directing the occupancy, use and other activities prohibited under this ordinance to cease immediately, and that the premises be vacated. Upon notice of the cease operations order, all occupancy, use, or other activity subject to the cease operations order shall stop immediately and the premises shall be vacated and closed.

Section 9. Penalty. Any person violating the provisions of this ordinance may be liable for the penalties set forth below:

A. Civil Penalties.

i. First Violation. The maximum penalty for undertaking an activity related to Retail Marijuana Establishments or Retail Marijuana Social Clubs is $2,500.

ii. Multiple. The maximum penalty for undertaking an activity related to Retail Marijuana Establishments or Retail Marijuana Social Clubs is $25,000 when it is shown that there has been a previous conviction of the same person within the past five (5) years for a violation of the ordinance.

iii. Economic Benefit. The maximum penalty may be increased if the economic benefit resulting from the violation exceeds the applicable penalties. The maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements.

iv. Setting of Penalty. In setting a penalty, the following shall be considered:

a. Prior violations by the same party;

b. The impact caused and/or potential impact posed by the operation of the prohibited activity to the health, safety, and welfare of the people of Caribou.

c. The damage that cannot be abated or corrected; and

d. The extent to which the violation continued following an order to stop.

B. Abatement and Mitigation. The violator may be ordered to correct, abate or mitigate the violations.

C. Damage Incurred. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss, or damage incurred by the City by reason of such violation.

D. Attorney Fees. If Caribou is the prevailing party, the City must be awarded reasonable attorney fees, expert witness fees and costs.

Section 10. Definitions. The definitions below are per Title 7 M.R.S. c. 417, section 2442.

Marijuana: Means cannabis.

Extraction: The process of extracting marijuana with solvents or gases.

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

Retail Marijuana: Cannabis that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.

Retail Marijuana Cultivation Facility: An entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

Retail Marijuana Establishment: Retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

Retail Marijuana Product: Concentrated retail marijuana and retail marijuana products that are composed of retail marijuana and other ingredients are intended for use or consumption, including, but not limited to, edible products, ointments and tinctures.

Retail Marijuana Products Manufacturing Facility: An entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

Retail Marijuana Social Club: An entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

Retail Marijuana Store: An entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.

Retail Marijuana Testing Facility: Any entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

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; Section 13-700 §40 was added October 28, 2013; Section 13-700 §41 was added April 24, 2017.

Sec. 13-710 Access Management, Off-Street Parking, Loading, and Road Design and Construction Standards.

The following standards are applicable to all land use activity and development within the City.

1. Access Management.

A. General.

1. These standards shall apply to vehicular access into and out of a proposed development. In a residential subdivision these accesses may be roads within the subdivision or access to individual lots. In non-residential development the access may be a driveway into a parking lot or a road into the development. If the access to the residential subdivision and the non-residential development is a road, the Road Design and Construction Standards contained within this Ordinance shall be met. Where there is a conflict between standards, the stricter or more stringent shall apply.
2. Where a lot has frontage on two or more roads, the access to the lot shall be provided to the lot across the frontage and to the road where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
3. Accessways to non-residential developments or to multi-family developments shall be designed to avoid queuing of entering vehicles on any road. Left lane storage capacity shall be provided to meet anticipated demand. A warrant analysis to determine the need for a left-turn storage lane or traffic control device shall be done, if necessary.

B. Sight Distances. Access should be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances should be measured from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder, with the height of the eye 3.5 feet, to the top of an object 4.5 feet above the pavement. The required sight distances are listed below for various designed speed limits. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

Sight Distances*

	Design Speed (MPH)	**Minimum**** (feet)	**Desired***** (feet)
	25	175	250
	30	210	300
	35	245	350
	40	280	400
	45	315	450

* Required exiting sight distance for a standard passenger vehicle to safely enter onto a 2-lane roadway from a complete stop, allowing approaching vehicles to adjust speed to avoid a collision.
** Approximately equivalent to 1.5 times the average stopping distance on wet pavement, 3 percent downgrade, as documented by AASHTO, 1990.
*** Ten times the design speed.

C. Vertical Alignment. Access shall be flat enough to prevent the dragging of any vehicle undercarriage. Accesses shall slope upward or downward from the gutter line on a straight slope of 3 percent or less for at least 75 feet. Following this landing area, the steepest grade on the access shall not exceed 8 percent.

D. Design Standards. New access design shall be based on the estimated volume using the access classification defined below. Traffic volume estimates should be as defined in the *Trip Generation Manual*, latest edition, published by the Institute of Transportation Engineers.

1. Low Volume Access: Less than 50 vehicle trips per day.
2. Medium Volume Access: 50 or more vehicle trips per day.

1. Low Volume Accesses.

   a. Skew Angle. Low volume access shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as development conditions permit, but in no case less than 75 degrees.
   b. Curb Radius. The curb radius shall be between 10' and 25' (5-10'), with a preferred radius of 20' (10').
   c. Curb-Cut Width. On a two-way access the curb-cut width shall be between 40' and 54' (22-46'), with a preferred width of 40' (36').
   d. Access Width. The width of the access shall be between 20' and 24' (12-16'), with a preferred width of 20 (16') feet.

2. Medium Volume Accesses.

   a. Skew Angle. Medium volume access shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 degrees as development conditions permit, but in no case less than 75 degrees.
   b. Curb Radius. Curb radii will vary depending if the access has one-way or two-way operation. On one-way accesses, the curb radii shall be 30' for right turns into and out of the development, with a 5' radius on the opposite curb. On a two-way access the curb radii shall be between 25 and 40', with a preferred radius of 30'.
   c. Curb-Cut Width. On a two-way access the curb-cut width shall be between 74 and 110' with a preferred width of 86'. On a one-way access the curb-cut width shall be between 46 and 70', with a preferred width of 51'.
   d. Access Width. On a two-way access the width shall be between 24 and 30', with a preferred width of 26', however where truck traffic is anticipated, the width may be no more than 30'. On a one-way access the width shall be between 16 and 20', with a preferred width of 20'.

Design Standards
Preferred Dimension in ( )

	Skew Angle	**Curb Radii**	**Curb-Cut Width**	**Access Width**
Low Volume Access:				
Roadway:	90 degrees	10-25' (20')	40-54' (40')	20-24' (20')
Driveway:	90 degrees	5-10' (10')	22-46' (36')	12-16' (16')
Medium Volume Access: (roadway and driveway are same)				
Two-Way Access:	90 degrees	25-40' (30')	74-110' (86')	24-26' (26')[1]
One-Way Access:	90 degrees	30' for right turns 5' on the opposite	46-70' (51')	16-20' (18')

[1] Where truck traffic is anticipated the width should be no more than 30 feet.

E. Access Location and Spacing.

1. Minimum Corner Clearance. Corner clearance shall be measured from the point of tangency for the corner to the point of tangency for the access. In general the maximum corner clearance should be provided as practical based on site constraints. Minimum corner clearances are listed below based upon access volume and intersection type.

Minimum Standards for Corner Clearance

	Minimum Corner Clearance (feet)	
Driveway Type	Intersection Signalized	Intersection Unsignalized
Low Volume	150	50
Medium Volume	150	50

If based on the above criteria, full access to the site cannot be provided on either the major or minor roads, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

2. Access Spacing. Accesses and road intersections shall be separated from adjacent accesses and property lines as indicated below, in order to allow roads to effectively serve their primary function of conducting through traffic. This distance shall be measured from the access point of tangency to the access point of tangency for spacing between accesses and from the access point of tangency to a projection of the property line at the edge of the roadway for access spacing to the property line. Where two (2) or more two-way driveways connect a single development to any one (1) road, a minimum clear distance of one hundred (100) feet measured along the right-of-way line shall separate the closest edges of any two (2) such driveways. If one (1) driveway is two-way and one (1) is a one-way driveway, the minimum distance shall be seventy-five (75) feet.

Minimum Access Spacing

	Minimum Spacing to Property Line (Dpl)[1] (feet)	Minimum Spacing to Adjacent Access by Access Type[2] (Dsp)[3]	
Access Type		Low (feet)	Medium (feet)
Low Volume	5	*	75
Medium Volume	10	-	100

1 Dpl measured from point of tangency of driveway to projection of property line on road-way edge.
2 For two or more driveways serving a single parcel, or from a proposed driveway from an existing driveway.
3 Dsp measured from point of tangency of driveway to point of tangency of adjacent driveway.
* Low volume driveways are not permitted in combination with other driveway types on a single lot.

3. Shared Driveways. No part of any driveway shall be located within a minimum of five (5) feet of a side property line. However the Planning Board may permit a driveway serving two (2) or more adjacent sites to be located on/or within five (5) feet of a side property line between the adjacent sites. Proof of easement shall be provided by the applicant to the Planning Board.

4. Acceleration Lanes. Where a driveway serves right-turning traffic from a parking area providing two hundred (200) or more parking spaces and the road has an ADT volume exceeding seven thousand five hundred (7,500) vehicles, an acceleration lane shall be provided which is at least two hundred (200) feet long and at least ten

(10) feet wide measured from the road curb line. A minimum thirty-five (35) feet curb return radius shall be used from the driveway to the acceleration lane.

5. Deceleration Lanes. Where the same conditions exist as in the previous paragraph and a driveway serves as an entrance to a development, a deceleration lane shall be proved for traffic turning right into the driveway from the road. The deceleration lane shall be at least two hundred (200) feet long and at least ten (10) feet wide measured from the road curb line. A minimum thirty-five (35) foot curb return radius shall be used from the deceleration lane into the driveway.

F. Number of Accesses.

The maximum number of accesses onto a single road is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of accesses independent of frontage length.

1. No low volume traffic generator shall have more than one two-way access onto a single roadway.
2. No medium volume traffic generator shall have more than two two-way accesses onto a single roadway.

G. Construction and Materials/Paving.

1. All accesses entering a curbed road shall be curbed with materials matching the road curbing. Sloped curbing is required around all raised channelization islands or medians.
2. All commercial and industrial accesses regardless of access volume shall be paved with bituminous concrete pavement within 30 feet of the roadway right-of-way. The remainder of the driveway should be constructed to the following specifications (MDOT Standard Specifications, §703.06):

   a. graded to a crown of no less than .5":12"; and
   b. constructed of 12" Type D subbase gravel and 3" Type A base gravel.

3. Dust control shall be approved by the CEO prior to being applied and shall be applied at time of construction with either calcium chloride, or an approved alternative, by being mixed with the gravel or sprayed on at completion of the access.
4. As a means of prolonging the life of a driveway and creating a pervious surface, 4 oz. woven or unwoven stabilization geo-textile may be used, as can properly constructed geo-web and blocks, grass paving rings, or other similar devices approved by the CEO.

2. Off-Street Parking and Loading.

A. General.

1. A permitted use in any District shall not be extended, and no structure shall be constructed or enlarged, unless off-street vehicle parking is provided in accordance with the standards of this subsection.
2. All parking spaces shall be a minimum of 9 feet x 19 feet.
3. Parking areas with more than two (2) parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.
4. Required off-street parking for all land uses shall be located on the same lot as the principal building or facility. Except, required off-street parking may be provided on a lot under the same ownership as the owner requiring the additional off-street parking. Such parking scheme shall be approved by the Board of Appeals. The additional parking must be within 300' measured along the roadway right-of-way. Evidence of ownership shall be required.
5. The joint use of a parking area by two or more principal buildings or uses may be approved as an administrative appeal by the Board of Appeals where it is clearly demonstrated that said parking area would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees on such establishments.
6. Parking spaces shall be provided as required and made available for use prior to the issuance of the Certificate of Occupancy.

B. Additional Requirements for Non-Residential Development.

1. Access points from a public road to non-residential development shall be so located as to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character.

2. All parking areas, driveways, and other areas serving ten (10) or more vehicles shall be paved with bituminous concrete or an equivalent surfacing over a gravel sub-base at least 6" in thickness, and shall have appropriate bumper or wheel guards where needed.
3. All driveway entrances and exits shall be kept free from visual obstructions higher than three (3) feet above street level for a distance of 25 feet measured along the intersecting driveway and street lines in order to provide visibility for entering and leaving vehicles.
4. Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers for loading or storage shall not be located upon any municipal way.
5. The following minimum off-street loading bays or berths shall be provided and maintained in the case of new construction, alterations, and changes of use:
   a. Retail, office, consumer services, wholesale, warehouse, and industrial operations with a gross floor area of more than 5,000 square feet require the following:

5,001	to	20,000 SF	1 bay
20,001	to	50,000 SF	2 bays
50,001	to	100,000 SF	3 bays
100,001	to	150,000 SF	4 bays
150,001	to	300,000 SF	5 bays

   b. Each 150,000 square feet over 300,000 square feet requires (1) additional bay. No loading docks shall be located to face any street frontage. Provision for handling all freight shall be on those sides of any buildings which do not face on any street or proposed streets.

6. Off-street parking and loading spaces, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than six (6) feet in height and fifteen (15) feet in width along exterior lot lines adjacent to residential properties, except that driveways shall be kept open to provide visibility for entering and leaving. No off-street parking and loading shall be permitted within the front setback or any setback adjoining a public street, except as specifically authorized in this Ordinance.

C. Parking Lot Design Criteria. (Except for single-family and two-family development)

1. Vehicular Entrance and Exit.

   a. Entrances/exits should be clearly identified by use of signs, curb cuts, and landscaping.
   b. Entrance/exit design shall be in conformance with the standards contained within this Ordinance.

2. Interior Vehicular Circulation.

   a. Major interior travel lanes should be designed to allow continuous and uninterrupted traffic movement.
   b. Access to parking stalls should not be from major interior travel lanes and shall not be immediately accessible from any public way.
   c. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
   d. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.
   e. Enclosures, such as guardrails, curbs, fences, walls, and landscaping, should be used to identify circulation patterns of parking areas and restrict driving movements diagonally across parking aisles, but not to reduce visibility of oncoming pedestrians and vehicles.
   f. Entrance/exits shall be designed to allow adequate stacking of vehicles without blocking interior vehicle circulation lanes.
   g. All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line, except for the additional requirements in buffer yards.
   h. The width of all aisles and parking angles providing direct access to individual parking stalls shall be in accordance with the requirements below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety (90) degrees.

Parking Angle and Aisle Width

Parking Angle (degrees)		Aisle Width (feet)
0	(parallel parking)	12
30		12
45		13
60		18
90	(perpendicular parking)	25

i. Parking areas shall meet the shoreline setback requirements for structures for the District in which such areas are located. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Business and Industrial Districts, may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.

j. Parking areas in the Shoreland Areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.

k. In paved parking areas painted stripes shall be used to delineate parking stalls. Stripes should be a minimum of 4" in width. Where double lines are used, they should be separated a minimum of 12" on center.

l. In aisles utilizing diagonal parking, arrows should be painted on the pavement to indicate traffic flow.

m. Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.

D. Required Parking Spaces.

1. Parking spaces shall be provided to conform with the number required in the following schedule:

Activity	Minimum Required Parking
Residential Dwelling	1 space per dwelling unit.
Elderly Housing	1 space per dwelling unit.
Tourist home, Boarding House, Lodging House, Motel, Hotel, Inn	1 space per room/unit rental and for each employee on on the largest shift.
Church	1 space per three seats based upon max. seating capacity.
Schools	
Primary	1.5 spaces per classroom.
Secondary	8 spaces per classroom.
Post-Secondary	1 space for each student and 1 space for each faculty and staff member.
Child Care Facility	1 space for every 4 children facility is licensed to care for.
Private Clubs or Lodges	1 space per every ~~seventy-five (75)~~ one hundred (100) square feet of floor space.
Theatre, Auditorium, Public Assembly Areas	1 space per three seats based upon max. seating capacity.
Funeral Homes	1 space for every ~~100~~ 150 square feet of floor space.
Medical Care Facilities	1 space for every three (3) beds and every two (2) employees on the maximum working shift.
Offices, Banks	1 space for every ~~150~~200 square feet of floor space.
Medical Offices (MD's, OD's)	~~10~~ 5 spaces for each doctor, dentist, or other medical practitioner.
Veterinarian Clinic, Kennel	~~35~~ spaces/veterinarian.
Retail and Service Businesses	1 space for every ~~150~~ 200 sq. ft. of floor
space. Barber/Beauty Shop	4 spaces/chair.
Restaurant	1 space per three seats based upon max. seating capacity.
Industrial Businesses	1 space/employee on the maximum working shift.
Warehouse, Wholesale	1 space/500 sq. ft. floor area business.

Flea Market	3 spaces/table.
Mixed Use	Total of individual uses.
Automobile Repair Garage and Repair Gasoline Filling Stations	5 spaces for each bay or area used for work.
Library, Museum, Art Gallery	1 space for each ~~150~~ 200 sq. ft. of floor space.
Commercial Recreation Facility, Fitness Area	1 space for each ~~100~~ 150 sq. ft. of floor area.
Motor Vehicle Sales	1 space reserved for customers per ~~thirty~~ 40 vehicles displayed on the lot.

Notes:

1. Where the calculation of the aforementioned parking spaces results in a fractional part of a complete parking space, the parking spaces required shall be construed to be the next highest number.
2. The above are minimum standards, and additional parking spaces shall be required if these prove to be inadequate.
3. Where floor space is to be used in calculating the number of required parking stalls, gross floor area shall be used unless otherwise noted.

3. Road Design and Construction Standards.

The following Road Design and Construction Standards shall apply to all new road construction, shoulders, curbs, drainage systems, culverts, and other appurtenances associated with roads within the City, unless the applicant can provide clear and convincing evidence that an alternate design or construction standard will meet good engineering practice.

A. General Requirements.

1. The Planning Board shall not approve any development proposal unless proposed roads are designed in accordance with the specifications contained herein. Approval of the Final Plan by the Planning Board shall not be deemed to constitute or be evidence of acceptance by the City of Caribou of any road or easement.
2. Applicants shall submit to the Planning Board, as part of the Final Plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed roads and existing roads within 300 feet of any proposed intersections. The plan view shall be at a scale of one inch equals no more than fifty feet (1"=50'). The vertical scale of the profile shall be one inch equals no more than five feet (1"=5'). The plans shall include the following information:
    a. Date, scale, and North point, indicating, magnetic or true.
    b. Intersections of the proposed road with existing roads.
    c. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
    d. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
    e. Complete curve data shall be indicated for all horizontal and vertical curves.
    f. Turning radii at all intersections.
    g. Centerline gradients.
    h. Size, type, and locations of all existing and proposed overhead and underground utilities, to include but not be limited to electricity, telephone, lighting, and cable television.
3. Upon receipt of plans for a proposed public road the Planning Board shall forward one copy to the Chair of the City Council and the Highway Department Foreman for review and comment. Plans for roads which are not proposed to be accepted by the City shall be sent to the Highway Department Foreman for review and comment.
4. Where the applicant proposes improvements within existing public roads, the proposed design and construction details shall be approved in writing by the Highway Department Foreman and/or the Maine Department of Transportation, as appropriate.
5. Where the development roads are to remain private roads, the following words shall appear on the Final Plan.

    "All roads in this development shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the City of Caribou, until they meet the Caribou Road Design and Construction Standards."

B. Road Design Standards.

1. Where topographic and other site conditions allow, provision shall be made for road connections to adjoining lots of similar existing or potential use within areas of the City designated as growth areas in the comprehensive plan; or in non-residential development when such access shall:

   a. Facilitate fire protection services as approved by the Fire Chief; or
   b. Enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public road.

2. Where a development borders an existing narrow road (not meeting the width requirements of the standards for roads), or when the development indicates plans for realignment or widening of a road that would require use of some of the land in the development, the Plan shall indicate reserved areas for widening or realigning the road marked "*Reserved for Road Realignment (Widening) Purposes.*" When such widening or realignment is included in the City's capital investment plan, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the City or state.
3. Roads which join and are in alignment with roads of abutting or neighboring properties shall bear the same name. Names of new roads shall not duplicate, nor bear phonetic resemblance to the names of existing roads within the City, and shall be subject to the approval of the Planning Board. No road name shall be the common given name of a person. The developer shall reimburse the City for the costs of installing road name, traffic safety, and control signs.
4. Proposed roads shall conform, as far as practicable, to such master or study plan as may have been adopted, in whole or in part, by the Planning Board prior to the submission of a Preliminary Plan.
5. All roads in the development shall be so designed that, in the opinion of the Planning Board, they will provide safe vehicular travel while discouraging movement of through traffic. Where a development abuts or contains an existing or arterial road, the Planning Board may require marginal access roads, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service roads, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
6. Where a development borders on or contains a railroad right-of-way, the Planning Board may require a road approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential Districts. Such distances shall also be determined with due regard for approach grades and future grade separations.
7. Reserve strips controlling access to roads shall be prohibited except where their control is definitely placed with the City.
8. The centerline of the roadway shall be the centerline of the right-of-way.
9. In addition to the design and construction standards herein, dead-end roads shall not be longer than 1000' and shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii:

Property line:	60 feet (125')
Outer edge of pavement:	50 feet (100')
Inner edge of pavement:	30 feet (30')

Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac. The Planning Board may require the reservation of a twenty (20) foot easement in line with the road to provide continuation of pedestrian traffic or utilities to the next road. The Planning Board may also require the reservation of a fifty (50) foot easement in line with the road to provide continuation of the road where future development is possible.

Historical Note: Section 13-710, §2D (1) as amended March 26, 2007.

1. The following road design and construction standards shall apply according to road classification:

Caribou Road Design and Construction Standards.

	Collector	Residential Local	Private
a. Minimum width of ROW	50'	50'	50'
b. Minimum paved width	24'	20'	18'
c. Minimum shoulder width (each side)	4'	4'	3'
d. Curbing (if required)	vertical	vertical	none
e. Curb reveal	7"	7"	-
f. Minimum roadway grade	0.5%	0.5%	0.5%
g. Maximum roadway grade	6.0%	8.0%	8.0%
h. Maximum shoulder grade	-	5.0%	-
i. Drainage ditch angle ratio: (maximum)			
Shoulder to ditch bottom	3:1	3:1	3:1
Ditch bottom to row	2:1	2:1	2:1
j. Minimum distance ditch bottom to subbase bottom	12"	12"	12"
k. Maximum grade intersections	3% within 75 feet of the intersection		
l. Minimum angle intersections (degrees)	90	75	75
m. Minimum center line radii on curves	280'	280'	175'
n. Minimum tangent length between reverse curves	200'	100'	100'
o. Minimum sidewalk; width	5'	5'	-
Bituminous surface	2"	2"	2"
Crushed base course	2"	2"	2"
Gravel subbase course	12"	12"	12"
Portland cement concrete			
Reinforced with 6" square #10-wire mesh	4"	4"	4"
Sand base if cement used	6"	6"	6"
(See text for other types of sidewalks)			
p. Minimum road base: (after compaction)			
Aggregate subbase (max. size stone 4")	24"	24"	24"
Crushed aggregate base (max. size stone 2")	6"	6"	6"
q. Hot bituminous pavement:			
Surface course	1.25"	1.25"	1.25"
Base course	1.75"	1.75"	1.75"
r. Minimum road crown	0.25":1'	0.25":1'	0.50":1'
s. Property line radii (intersections)	10'	10'	10'
t. Curb radii intersections	30'	20'	-
u. Minimum distances between intersections:			
Same side	400'	300'	300'
Opposite sides	250'	200'	200'

C. Road Construction Standards.

1. During construction, the development shall be maintained and left each day in a safe and sanitary manner. The roads shall be regularly sprayed to control dust from construction activity. Following road construction, the

developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire road right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

2. Curbs shall be installed within all developments at the discretion of the Planning Board. Granite curbing shall be installed on a thoroughly compacted gravel base of six (6) inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement. The specified traveled way width above shall be measured between the curbs.
3. Grades of all roads shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards.
4. Cross (four-cornered "+") road intersections shall be avoided insofar as possible or at other important traffic intersections. A minimum distance of 125' feet shall be maintained between centerlines of minor roads and 200' feet between collector roads or a collector and minor road.
5. The minimum thickness of material shall meet the specifications in the table below, after compaction.

Road Materials	Collector	Residential	Private
Aggregate Sub-base Course (max. sized stone 4")			
Without base gravel	24"	24"	15"
With base gravel	20"	18"	12"
Crushed Aggregate Base Course (max. sized stone 2")	6"	6"	6"
Hot Bituminous Pavement			
Total Thickness	3.00"	3.00"	N/A
Surface Course	1.25"	1.25"	N/A
Base Course	1.75"	1.75"	N/A
Surface Gravel	N/A	N/A	3"

6. Construction Preparation.

   a. Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty (50) foot intervals.
   b. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainage ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders, and tree stumps shall be removed from the cleared area.
   c. All organic materials or other deleterious material shall be removed to a depth of two (2) feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two (2) feet below the subgrade of the roadway. On soils which have been identified as not suitable for roadways, either the subsoil shall be removed from the road site to a depth of two (2) feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a MDOT approved stabilization geotextile may be used.
   d. Except in a ledge cut, side slopes shall be no steeper than a slope of three (3) feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than four (4) feet vertical to one foot horizontal is permitted.
   e. All underground utilities shall be installed prior to paving to avoid cuts in the pavement.

7. Bases and Pavement.

   a. Bases/Subbase.

      1. The aggregate subbase course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances. The gradation of the part that passes a two (2) inch square mesh sieve shall meet the following grading requirements:

Percentage by Weight Passing

Sieve Designation	Square Mesh Sieves
1/4 inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the subbase shall contain no particles of rock exceeding four (4) inches in any dimension.

2. If the aggregate subbase course is found to be not fine-gradeable because of larger stones, then a minimum crushed aggregate base course of a six (6) inches (max. sized stone 2") shall be placed on top of the subbase course. The aggregate base course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a two (2) inch square mesh sieve shall meet the following grading requirements:

Percentage by Weight Passing

Sieve Designation	Square Mesh Sieves
1/2 inch	45-70%
1/4 inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the base shall contain no particles of rock exceeding two (2) inches in any dimension.

b. Pavement Joints.

Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

c. Pavements.

1. Minimum standards for the base layer of pavement shall be the MDOT specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8 percent and 6.0 percent by weight depending on aggregate characteristics. The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35°F or higher and the surface to paved is not frozen or unreasonably wet.
2. Minimum standards for the surface layer of pavement shall be the MDOT specifications for plant mix grade C or D with an aggregate size no more than 3/4 inch maximum and a liquid asphalt content between 5.8 percent and 7.0 percent by weight depending on aggregate characteristics. The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.

d. Surface Gravel.

Private rights-of-ways need not be paved and may have a gravel surface. Surface gravel shall be placed on top of the aggregate subbase, shall have no stones larger than two (2) inches in size, and meet the following gradation:

Percentage by Weight Passing

Sieve Designation	Square Mesh Sieves
2 inch	95-100%

1/2 inch	30-65%
No. 200	7-12%

8. Guard Rails.

When and where required by either the Planning Board or the CEO, guard rails should be designed and constructed in accordance within Section 606-Guard Rails of the Maine Department of Transportation's, "*Standard Specifications, Highways and Bridges*", latest edition.

Sec. 13-720 Automobile Graveyards, ~~and~~ Junkyards and Automobile Recyclers.

1. Applicability.

This Section shall apply to the Districts where automobile graveyards and junkyards and automobile recyclers are a permitted use. Automobile junkyards, automobile graveyards and automobile recylers ~~junkyards area~~ are prohibited in the remaining Districts.

2. Administration.

A. This Section shall be administered by the Planning Board and enforced by the CEO. No automobile graveyards, ~~or~~ junkyards and automobile recyclers ~~junkyard~~ permit shall be issued unless the provisions of this Ordinance are complied with. The Planning Board may attach reasonable conditions to any permit issued to insure compliance with the performance standards and other requirements of this Ordinance.

B. Permits shall be renewed annually to remain valid and expire on December 31st of each year. Once the site design is approved it does not have to be resubmitted unless there are to be changes to the site. The City Council shall annually inspect, or cause to be inspected, the site to ensure that the provisions of this Ordinance and state law are complied with.

C. An annual fee established by the City of $50 shall be submitted with the permit application, plus the cost of posting and publishing the notice of public hearing required below.

D. The City may require that an escrow account of $500 be established by the applicant in the name of the "*City of Caribou*" for the purposes of obtaining independent verification of application data, if necessary. If the balance in the account shall be drawn down by 75 percent, the City shall notify the applicant and require that the account balance be reestablished by the applicant to the escrow account's indicated amount. The City shall continue to notify the applicant and require additional payments into the account, as necessary. Any balance remaining in the account after final determination has been made, shall be returned to the applicant.

E. Upon receipt of a final application, the Planning Board shall hold a public hearing in accordance with Title 30-A, MRSA, §3754.

3. Requirements for Automobile Graveyards ~~and~~, Junkyards and Automobile Recyclers.

A. No person may establish, operate, or maintain an automobile graveyard ~~or~~ junkyard or automobile recycler without first obtaining a non-transferable permit from the Planning Board. At the time of filing an application for a permit under this Ordinance, the applicant shall present either a permit from the Maine Department of Environmental Protection (DEP) or a letter from the DEP stating that a permit is not required.

B. Any application for ~~an~~ automobile graveyards, ~~or~~ junkyards and automobile recyclers permit shall contain the following ~~B.~~C. information:

1. The applicant shall submit a site design drawn to a scale not to exceed 1"=100', on which is shown:

a. The boundary lines of the property;
b. The exact location of any existing and proposed junkyard or automobile graveyard and their distances to nearby roads and property lines;
c. The soils as reflected from a high intensity soils survey;
d. The location of on-site septic system(s) and drinking water supplies;
e. Topographic contours at intervals of 10';
f. The location of any sand and gravel aquifer or aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist;

g. The location of any residences, schools, churches, cemeteries, public parks, beaches, and playgrounds within 500 feet of the area where cars or junk will be placed;

h. The location of any waterbodies or inland wetlands areas on the property and/or within 200 feet of the property lines;
i. The boundaries of any 100-year floodplain; and
j. The location of all roads within 1000' of the site.

2. The names and addresses of all abutting or impacted property owners, as determined by the Planning Board.
3. The name(s) and address(es) of the person(s) or entity(ies) who will operate the site.
4. The height and material used in any existing and proposed screening.

4. Performance Standards for all Automobile Graveyards, ~~and~~ Junkyards and Automobile Recyclers.

The following performance standards shall be required of all automobile ~~graveyards and junkyards~~graveyards, junkyards and automobile recyclers:

A. The junkyards, ~~or~~ automobile graveyards or automobile recyclers must be screened from ordinary view from any road, as required by statute. The site of the junkyards, automobile graveyards or ~~junkyard~~ automobile recyclers shall have an effective visual screen no less than six (6) feet in height, and be built in accordance to the Maine Department of Transportation's rules issued pursuant to Title 30-A, MRSA, §3759. A plan for visual screening shall be submitted to the Planning Board for approval in conjunction with the application for a permit.
B. No vehicle or junk shall be stored within 300 feet of any waterbody or inland wetland.
C. No vehicle or junk shall be stored within 500 feet of any (residences), private well, school, church, cemetery, public playground, public beach, or public park.
D. No vehicles or junk shall be stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.
E. No vehicles or junk shall be stored within the 100-year flood plain.
F. Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid, and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules, and regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle or junk shall be permitted into or onto the ground.
G. There will be no disposal or release to the environment of any solid, special, or hazardous wastes;
H. There will be no open burning of any substances;
I. All vehicles or junk shall be located no closer than 100 feet from all property lines.
J. To reduce noise, all dismantling, crushing, and other activities shall be done between 7 AM and 10 PM, Mondays through Saturdays.
K. All federal and state hazardous waste laws and regulations shall be complied with.
L. In all instances the burden of proof shall be upon the applicant for the permit.
M. Any automobile graveyard ~~or~~, junkyard or automobile recycler in existence on the date of adoption this Ordinance, may remain in operation on the current parcel of land, providing it meets all pertinent statutory and Ordinance requirements.
N. Any automobile graveyard, ~~or~~ junkyard or automobile recycler shall not expand unless all statutory and requirements of this Ordinance are met.

Sec. 13-730 Mineral Exploration and Extraction.

The following standards are applicable to all mineral exploration and extraction activity within the City.

1. Mineral Exploration.

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the CEO shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled, or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

2. Mineral Extraction.

A. Any extraction operation that requires a permit from the Maine Department of Environmental Protection (MDEP)

under the Site Location of Development Act shall obtain written approval from the MDEP and the Planning Board.

B. Any mineral extraction activity of less than five (5) acres and/or any mineral extraction activity which will remove more than 1000 cubic yards of product within 12 successive months shall require a permit from the Planning Board.

3. Submission Requirements.

The following submission requirements shall be reflected on a plan to be included with the application and apply to any mineral extraction activity of less than five (5) acres and/or any mineral extraction activity which will remove more than 1000 cubic yards of product within 12 successive months.

A. Existing and proposed limits of the excavation, clearly delineated.
B. Location, function, and ground areas of all structures, facilities, parking lots, and roads.
C. Entrance and exit locations.
D. Gates or other means of access control.
E. Pre- and post-development topography shall use an interval of two (2) foot contours for pits of less than five (5) acres.
F. Location of topsoil stockpile area(s).
G. Areas where natural vegetation will be left and where plantings will be made to screen the extraction operation from view.
H. Slopes and vegetation for protecting adjacent structures.
I. Location of any test pits or borings and observation wells documenting the seasonal high water table.
J. Proposed disposal method of stumps, grubbings, and other debris.
K. Plan(s) and schedule for reclamation. A reclamation plan shall be filed with and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of subsection E, Reclamation, below.
L. For pits of five (5) acres or more, at least one cross-section along the axis of the pit and another cross-section at a right angle to it. The cross-section diagrams should show the existing grade, the proposed final grade including the maximum depth of elevation, depth to the ground water, and the stratigraphy of the surficial deposits at the site.
M. Location of any significant wildlife habitats as designated by the Maine Department of Inland Fisheries and Wildlife and areas listed under the Maine Department of Economic and Community Development's, Natural Areas Program.

4. Review Criteria and Standards.

A. The area of a working pit shall not exceed four (4) acres.
B. Existing vegetation within a buffer strip shall not be removed. If vegetation within the buffer strip has been removed or disturbed by activities related to the operation of the extraction operation, that vegetation must be reestablished as soon as practicable. A buffer strip of not less than seventy-five (75) feet shall be maintained between the location of any extraction of materials and all property lines.
C. A 300 foot separation shall be maintained between any area to store petroleum products and any private drinking water wells.
D. A 200 foot separation shall be maintained between any excavation and any private drinking water supply in existence prior to that excavation.
E. A 1000 foot separation shall be maintained between any excavation and any public drinking water supply.
F. There shall be no storage or dumping on the pit of any substances or materials that could produce harmful leachate.
G. No oiling of access and haul roads is permitted.
H. Excavation shall not occur within five (5) feet of the seasonally high water table.
I. Excavation activities shall not occur below road level within 25 feet of a road right-of-way and shall maintain a 2.5 percent slope away from the right-of-way, except that excavation activities may occur below road level within 25 feet of a private road right-of-way with the written permission of the owner.
J. No part of any extraction operation, including drainage and run-off control features, shall be permitted within one hundred (100) feet of the normal high water line of a Great Pond, and within seventy-five (75) feet of the normal high water line of any other waterbody, tributary stream, or the upland edge of a wetland.

K. Erosion and sedimentation control for access roads shall be conducted according to best management practices adopted by the SCS.
L. There may not be more than two (2) acres of stockpiles within the working pit at any time.
M. Noise levels shall not exceed applicable noise limits as adopted by the MDEP.
N. The hours of operation at the site shall conform to the time between sunrise and sunset at Caribou, ME.
O. In keeping with the purposes of this Ordinance, the Planning Board may impose other conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

5. Reclamation.

Within twelve (12) months of the completion of extraction operations, or the expiration of a CEO permit, or which operations shall be deemed complete when less than one thousand (1000) cubic yards of materials are removed in any consecutive twelve (12) month period, the site shall be reclaimed in accordance with a plan approved by the CEO. The affected land must be restored to a condition that is similar to or compatible with the conditions that existed before excavation. Such plan shall include:

A. A vegetative cover by seeding shall be established within one year of the completion of excavation. Vegetative cover shall be declared acceptable after one year if: (1) the planting of trees and shrubs results in a permanent stand or stand capable of regeneration and succession, sufficient to ensure a 75 percent survival rate; and (2) the planting of all materials results in permanent 90 percent ground coverage.
B. All structures and facilities shall be removed and, once no longer in productive use, all access roads, haul roads, and other support roads shall be reclaimed.
C. The final graded slope shall be two to one (2.5:1) slope or flatter.
D. Reclamation of the pit shall not be made with any substance or material that could either have a harmful leachate or create an impermeable base.

~~G.~~I. All affected lands shall be reclaimed within one (1) year.

Sec. 13-740 Mobile Homes.

1. General Requirements.

A. All mobile home units to be relocated to within the City from outside of the City shall be placed on a permanent foundation, have residential siding, and a pitched roof covered with shingles or other materials approved by the CEO. These design requirements shall not be applied to prevent relocation of units within the City constructed prior to June 15, 1976 that were legally sited in the City.
B. It shall be unlawful to locate any mobile home for any residential purpose anywhere in the City, except in an authorized mobile home park, unless a mobile home permit has been issued in conformity with this Ordinance. Any application for a mobile home permit shall be in writing and in duplicate, signed by the applicant. Such applications shall include such information as lawfully may be required by the CEO and shall include a site plan of suitable scale showing:

1. The shape, size, and location of the lot on which the mobile home is to be placed.
2. The make, model, year, serial number, length and width, number of bedrooms, location of kitchen and cost of mobile home.
3. Any building already on the lot.
4. Set back lines of buildings on adjoining lots; and
5. Any other information needed by the Building Inspector, CEO, Planning Board, or Board of Appeals to determine whether the provisions of this Section are being observed.

C. A mobile home may be permitted on the site of a construction project for not more than two (2) consecutive six-months periods provided that a special permit is issued by the Planning Board for each six month period. Such permit may only be issued if the Board is satisfied that:

1. The mobile home is a necessary convenience for the construction project and is clearly subordinate to such project; and
2. No health hazards or problems of sanitation will be caused by improper disposal of sewage from the mobile home.

D. The CEO may issue a special permit for the use of a mobile home for a temporary office for up to three (3) months in Districts where offices are permitted or at construction sites anywhere in the City.
E. A recreational vehicle or camper shall in no case be used as a mobile home and any recreational vehicle in use as a temporary dwelling shall be stationed only in an area where permitted. An RV or travel trailer where not in use may be stored on the premises of the owner.

2. Mobile Homes Built Before June 15, 1976, or Not Built According to the National Manufactured Housing Construction and Safety Standards Act of 1974, US Code, Title 42, Chapter 70.

The following standards shall apply to all mobile homes built before June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, US Code, Title 42, Chapter 70, to be located on an individual lot or in a mobile home park in the City.

A. Exit Facilities - Exterior Door.

1. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
2. Mobile homes shall have a minimum of two (2) exterior doors not less than 12' from each other as measured in any straight line direction regardless of the length of the travel between doors. One of the required doors must be accessible from the doorway of each bedroom without traveling more than 35'.
3. All exterior swinging doors shall provide a minimum of 32" wide by 74" high clear opening. All exterior sliding glass doors shall provide a minimum of 32" wide by 72" high clear opening. Locks shall not require the use of a key from the inside.

B. Exit Facilities - Egress Windows and Devices.

Mobile homes shall have the following emergency egress facilities:

1. Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one outside window or approved exit device. If an exit window or device is installed, it shall be listed in accordance with procedures and requirements of NFPA Life Safety Code 101, fourth edition.
2. The bottom of the window opening shall not be more than 44" above the floor.
3. Locks, latches, operating handles, tabs, and any other window, screen or storm window devices, which need to be operated in order to permit exiting, shall not be located in excess of 54" from the finished floor.

C. Interior Doors.

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

D. Fire Detection Equipment.

1. At least one operating smoke detector shall be installed in the home in the following locations:
   a. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door, unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side and bedroom side. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.
   b. When located in hallways, the detector shall be between the return air intake and the living area.
   c. The smoke detector shall not be placed in a location which impairs its effectiveness.
   d. Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985.
   e. Each smoke detector shall be installed in accordance with its listing. The top of the detector shall be located on a wall 6" to 12" below the ceiling. However, when a detector is mounted on an interior wall

below a sloping ceiling, it shall be located 6" to 12" below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceilings).

E. Flame Spread. (from the NFPA Life Safety Code 101, fourth edition)

1. Ceiling interior finish shall not have a flame spread rating exceeding 75.
2. Walls or ceilings adjacent to or enclosing a furnace or water heater shall have an interior finish with a flame spread rating not to exceed 25. Sealants and other trim material 2" or less in width used to finish adjacent surfaces within this space are exempt if supported by framing members or by materials having a flame spread rating not exceeding 25.
3. Exposed interior finishes adjacent to the cooking range shall have a flame spread rating not exceeding 50.
4. Kitchen cabinet doors, countertops, back splashes, exposed bottoms, and end panels shall have a flame spread rating not exceeding 200.
5. Finish surfaces of plastic bathtubs, shower units, and tub or shower doors shall not exceed a flame spread rating of 200.
6. No burner of a surface cooking unit shall be closer than 12" horizontal to a window or an exterior door.

F. Kitchen Cabinet Protectors.

1. The bottom and sides of combustible kitchen cabinets over cooking ranges, to a horizontal distance of 6" from the outside edge of the cooking range, shall be protected with at least 5/16th" thick gypsum board or equivalent limited combustible material. One-inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cook tops shall be protected by a metal hood with not less than a 3" eyebrow projecting horizontally from the cabinet face. The 5/16th" thick gypsum board or equivalent material which is above the top of the hood may be supported by the hood. A 3/8th" enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.
2. The metal hood shall not be required if there is an oven installed between the cabinet and the range.
3. Ranges shall have a vertical clearance above the cooking top of not less than 24" to the bottom of combustible cabinets.

G. Carpeting.

Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be installed in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

H. Roof Loads.

All homes with roofs added after construction shall require a Maine Registered Professional Engineer to inspect the roof to determine that the roof can withhold seventy (70) pounds per square foot.

I. Heating and Fuel Burning System.

A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA-31 Installation of Oil Burning Equipment as adopted by the Board, or other applicable standards.

J. Electrical System.

A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the requirements of the National Electrical Code in affect at the time the home was constructed.

Sec. 13-745 Confined Feeding Operations.

1. All confined feeding operations must be constructed and operated in accordance with all applicable rules, laws and regulations including, but not limited to, rules adopted by the Maine Department of Agriculture, Food and Rural Resources and any other governmental entity with jurisdiction over such operations.

2. Confined feeding operations which cause unreasonable noise, odor and/or pollution of ground water or any waterbody shall not be permitted.

3. Confined feeding operations that utilize a lagoon or a waste storage pond, or both, shall meet the following setback requirements:

   A. For a confined feeding operation with a capacity of up to 100 animal units at any one time, the minimum separation distance required between a lagoon and a waste storage pond and the boundary of any real property owned by another person is 1 mile. The minimum separation distance required between an agricultural facility and the boundary of any real property owned by another person is 1 mile.
   B. The minimum separation distance between a lagoon and a waste storage pond and any public or private drinking water well is 1 mile.
   C. The minimum separation distance required between a lagoon and a waste storage pond and any water body is ½ mile. The minimum separation distance required between an agricultural facility and any water body is ½ mile.
   D. The minimum separation distance required between a ditch or swale that drains directly into any water body and any confined feeding operation is ½ mile.

4. Confined feeding operations which exceed 100 animal units of normal production animal live weight at any one time are strictly prohibited.

5. A new confined feeding operation or expansion of an established confined feeding operation may not be located in a floodplain as defined by the Flood Insurance rate maps for the City of Caribou.

6. If a lagoon or a waste storage pond, or both, breaches or fails in any way, the owner or operator of the confined feeding operation immediately shall notify the Code Enforcement Officer.

7. A person may not cause, allow or permit emission into the ambient air any substance or combination of substances in quantities that create an undesirable level of odor unless preventive measures are taken to abate or control the emission to the satisfaction of the Council. When an odor problem comes to the attention of the Council through field surveillance or specific complaints, the Council shall determine if the odor is at an undesirable level by considering the character and degree of injury to or interference with:

   1. The health or welfare of the people;
   2. Plant, animal or marine life;
   3. Property; real and otherwise; and
   4. Enjoyment of life or use of affected property.

8. The City Council may require the following abatement or control practices after review and recommendation by the Caribou Planning Board.

   1. Removal or disposal of odorus materials;
   2. Methods of handling and storing odorus materials in order to minimize emissions;
   3. Prescribed standards in the maintenance of premises to reduce odorus emissions; and
   4. Use of the best available control technology to reduce odorus emissions.

9. After determining that an undesirable level of odor exists, the Council shall require remediation of the undesirable level of odor, which may require the removal of all animals and odorus materials within 30 days of receipt of notice or the revocation of a permit issued hereunder.

10-A. Permits for confined feeding operations are for a term of one year only and must be renewed annually. A renewal permit shall not be issued unless the confined feeding operation meets all of the standards in effect at the time of renewal. If the confined feeding operation is not in operation or production for 2 or more consecutive years, a new permit must be obtained.

10-B. POLLUTION INSURANCE

An applicant must show proof of pollution liability insurance in the amount of at least $1,000,000.00 to protect neighboring properties in the event of ground water and/or surface water contamination caused by the confined feeding operation. A certificate of insurance shall be provided with a one year prepaid insurance policy. If the owner or operator of the confined feeding operation fails to maintain this insurance coverage, all confined feeding operations shall cease until satisfactory evidence of insurance is provided.

11. Nothing in this section prohibits an individual or group of persons from bringing a complaint against a confined feeding operation.

12. CONFINED FEEDING OPERATION TERMS

For purposes of this Ordinance, the following terms have these definitions:

1. CONFINED FEEDING OPERATION
A use whereby animals are confined and fed or maintained in an agricultural facitily for a total of 120 days or more in a 12 month period. Structures used for the storage of animal waste from animals in their use are also part of the confined feeding operation. Two or more confined feeding operations under common ownership or management are considered to be a single confined feeding operation if they are adjacent or utilize a common system for animal waste storage or reside on contiguous land under same ownership.

2. AGRICULTURAL FACILITY
A lot, building or stucture that is used for the commercial production of animals in a confined feeding operation, including any land used for the spreading of animal waste.

3. LAGOON
An impoundment used in conjunction with a confined feeding operation, the primary function of which is to store or stabilize, or both, organic wastes, wastewater and contaminated runoff shall be covered per requirement of the site design review ordinance of the City of Caribou.

4. WASTE STORAGE POND
A structure used for impounding or storing manure, wastewater and contaminated runoff as a component of an agricultural waste management system. Waste is stored for a specified period of time, one year or less, and then the pond is emptied and shall be covered per requirement of the site design review ordinance of the City of Caribou.

5. ANIMAL UNIT
Means 1,000 pounds of animal body weight.

Sec. 13-750 Performance Guarantees.

1. Types of Guarantees.

With submittal of the application for Final Plan approval and required by the CEO or Planning Board, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs. The conditions and the amount of the performance guarantee shall be established by the CEO after reviewing the cost estimates for improvements submitted with the Final Plan by the applicant and the review of those estimates for accuracy by the appropriate City Officials, departments, utilities, and/or agencies.

A. Escrow Account. A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the "*City of Caribou*", the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the City of Caribou shall be named as owner or co-owner, and the consent of the City shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the City has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

B. Performance Bond. A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the City. The bond documents shall specifically reference the application for which approval is sought.

C. Letter of Credit. An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for construction and may not be used for any other project or loan.

D. Phasing of Development. The CEO or Planning Board may approve plans to develop an application in separate and distinct phases. This may be accomplished by limiting final approval to those areas abutting that section of any proposed road which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of development in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

E. Conditional Agreement. The CEO or Planning Board may provide for the applicant to enter into a binding agreement with the City in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan, on the condition that:

1. (Subdivisions only) No more than four (4) lots may be sold or built upon;
2. It is certified by the Planning Board that all of the required improvements have been installed in accordance with all local Ordinances and the regulations of the appropriate utilities; or
3. A performance guarantee, acceptable to the City, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be indicated on the Final Plan which is recorded at the Aroostook County Registry of Deeds, ~~Northern~~ Southern Office. Release from the agreement shall follow the procedures for release of the performance guarantees contained herein.

2. Contents of Guarantee.

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the applicant, and a date after which the applicant shall be in default and the City shall have access to the funds to finish construction.

3. Release of Guarantee.

Prior to the release of any part of the performance guarantee, the City Council shall determine to its satisfaction, in part upon the report of the Planning Board and the CEO and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

4. Default.

If, upon inspection, the CEO finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall so report in writing to the City Manager, City Council, the Planning Board, and the applicant or developer. The City shall take any steps necessary to preserve the City's rights.

5. Extension.

The Planning Board may recommend a maximum extension of 12 months to the guaranteed performance period when the applicant can demonstrate, to the satisfaction of the Planning Board and the City Council, good cause for such extension. Such recommendation shall be referred to the City Council for official action.

Sec. 13-760 Day ~~care~~ Care Facilities.

As of passage of this ordinance, newly established ~~Daycare~~ Day Care Facilities shall only be allowed in the R1, R2, R3, ~~RC-2~~MU, C1 and C2 residential and commercial zones following Code Enforcement Officer review and approval. All ~~Daycare~~

licensed by the State of Maine and operating prior to the passage of this ordinance, are considered Previously Existing and exempt from the requirements of this ordinance. Any previously existing ~~Daycare~~ Day Care Facility that discontinues operations for a period of one (1) year that requests to reopen as a ~~Daycare~~ Day Care Facility must meet the current ~~Daycare~~ Day Care Facility requirements of this ordinance.

~~Daycare~~ Day Care Facilities must provide the City of Caribou a copy of the yearly State of Maine License for the ~~daycare~~Day Care, annual update contact information for the operators and employees. Daycare facilities must give written notice to the Code Enforcement Officer who shall share the information with local police and fire departments as to the scope of their operation, including the number of children, location of sleeping areas, days and hours of operation.

- Licensing:
  - The facility must have an approved and current valid DHHS License, and supply a copy to the City every year.
  - ~~The facility must provide a copy of the State Fire Marshall's inspection and approval report.~~
  - The facility must provide a copy of the Maine Department of Health & Human Services inspection and report.

- Inspection:
  - The operation of a ~~daycare~~ Day Care facility will allow appropriate representative of the municipality to enter the property to inspect such use for compliance with the requirements of the City ordinance.
  - The lot size, building size, set back and lot coverage shall conform to the standards of the zoning distance in which it is located unless such structure is a legal nonconforming structure.
  - All proposed facilities must be inspected for zoning compliance prior to issuance of a Certificate of Occupancy.

- Non-Compliance:
  - Non-compliance with this ordinance may be cause for revocation of this license.

- Outdoor Play Area:
  - An outdoor play area, as required by the State, shall be provided for daycare facilities and not be located in the front yard; play areas must be located in the side and/or rear yards only.
    - The front yard is the area between the front property line and front wall of the structure, including the front wall projection line extending to the side property.

Historical Note: Section 13-760 was adopted December 12, 2011 and revised January 11, 2016.

Sec. 13-770 Wireless Telecommunications Facilities.

Section 1. Title

This Ordinance shall be known as the "Wireless Telecommunications Facilities Ordinance" of Caribou, Maine.

Section 2. Authority

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

Section 3. Purpose

The purpose of this ordinance is to provide a process and a set of standards for the construction of wireless telecommunications facilities.

Section 4. Applicability

This local land use ordinance applies to all construction and expansion of wireless telecommunications facilities, except as provided in section 4.1.

4.1. Exemptions

The following are exempt from the provisions of this ordinance:

A.) Emergency temporary wireless communication facilities for emergency communications by public officials.

B.) Amateur (ham) radio stations. Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC).

C.) Parabolic antenna. Parabolic antennas less than seven (7) feet in diameter, that are an accessory use of the property.

D.) Maintenance or repair. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.

E.) Temporary wireless telecommunications facilities in operation not to exceed a maximum of one hundred eighty (180) days per calendar year.

F.) Antennas as Accessory Uses. An antenna that is an accessory use to a residential dwelling unit.

Section 5. Review and Approval Authority

5.1. Approval Required

No person shall construct or expand a wireless telecommunication facility without first obtaining a "Building Permit" from the Code Enforcement Officer (CEO) as required by the City of Caribou's adopted Maine Uniform Building Code, Section 105 of the 2009 International Building Code. Review of the Site Design Application under this ordinance, by the CEO, does not constitute a Building Permit.

A.) Expansion of an Existing Facility and Colocation. Approval by the CEO is required for any expansion of an existing wireless telecommunications facility that increases the height of the facility by no more than 20 feet; accessory use of an existing wireless telecommunications facility; or colocation on an existing wireless telecommunications facility.

B.) New Construction. Site Design Review and Approval of the Planning Board is required for construction of a new wireless telecommunications facility; and any expansion of an existing wireless telecommunications facility that increases the height of the facility by more than 20 feet.

5.2. Approval Authority

In accordance with Section 5.1 above, the CEO shall review applications for wireless telecommunications facilities, and make written findings on whether the proposed facility complies with this Ordinance.

Section 6. Approval Process

6.1. Pre-Application Conference

All persons seeking CEO review or the approval of the Planning Board under this ordinance shall meet with the CEO no less than thirty (30) days before filing an application. At this meeting, the CEO shall explain to the applicant the ordinance provisions, as well as application forms and submissions that will be required under this ordinance.

6.2. Application

All persons seeking review of the CEO or the approval of the Planning Board under this ordinance shall submit an application as provided below. The CEO shall be responsible for ensuring that notice of the application has been published in a newspaper of general circulation in the community.

A.) Application for CEO review. Applications for review by the CEO must include the following materials and information:

1.) Documentation of the applicant's right, title, or interest in the property where the facility is to be sited, including name and address of the property owner and the applicant.

2.) A copy of the FCC license for the facility or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.

3.) Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800).

4.) Location map and elevation drawings of the proposed facility and any other proposed structures, showing color, and identifying structural materials.

5.) For proposed expansion of a facility, a signed statement that commits the owner of the facility, and his or her successors in interest, to:

a.) respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

b.) negotiate in good faith for shared use by third parties;

c.) allow shared use if an applicant agrees in writing to pay reasonable charges for colocation;

d.) require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adopting the tower or equipment to accommodate a shared user without causing electromagnetic interference.

B.) Application for Planning Board Approval.

A Site Design Review application for approval by the Planning Board must be submitted to the Code Enforcement Officer. The application must include the following information:

1.) Documentation of the applicant's right, title, or interest in the property on which the facility is to be sited, including name and address of the property owner and the applicant.

2.) A copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.

3.) A USGS 7.5 minute topographic map showing the location of all structures and wireless telecommunications facilities above 150 feet in height above ground level, except antennas located on roof tops, within a five (5) mile radius of the proposed facility, unless this information has been previously made available to the municipality. This requirement may be met by submitting current information (within thirty days of the date the application is filed) from the FCC Tower Registration Database.

4.) A site plan:

a.) prepared and certified by a professional engineer registered in Maine indicating the location, type, and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines, and all applicable American National Standards Institute (ANSI) technical and structural codes;

b.) certification by the applicant that the proposed facility complies with all FCC standards for radio emissions is required; and

c.) a boundary survey for the project performed by a land surveyor licensed by the State of Maine.

5.) A scenic assessment, consisting of the following:

a.) Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level;

b.) A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing, the color of the structure, and the proposed lighting method.

c.) Photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or their designee, during the pre-application conference. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.

d.) A narrative discussing:

i.) the extent to which the proposed facility would be visible from or within a designated scenic resource,

ii.) the tree line elevation of vegetation within 100 feet of the facility, and

iii.) the distance to the proposed facility from the designated scenic resource's noted viewpoints.

6.) A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.

7.) Evidence demonstrating that no existing building, site, or structure can accommodate the applicant's proposed facility, the evidence for which may consist of any one or more of the following:

a.) Evidence that no existing facilities are located within the targeted market coverage area as required to meet the applicant's engineering requirements,

b.) Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements,

c.) Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment. Specifically:

i.) Planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.

ii.) The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna.

iii.) Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.

d.) For facilities existing prior to the effective date of this ordinance, the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable. This evidence shall also be satisfactory for a tower built after the passage of this ordinance;

e.) Evidence that the applicant has made diligent good faith efforts to negotiate colocation on an existing facility, building, or structure, and has been denied access;

8.) Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800).

9.) A signed statement stating that the owner of the wireless telecommunications facility and his or her successors and assigns agree to:

a.) respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

b.) negotiate in good faith for shared use of the wireless telecommunications facility by third parties;

c.) allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for colocation;

d.) require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful life span of the facility.

10.) A form of surety approved by the Planning Board to pay for the costs of removing the facility if it is abandoned.

11.) Evidence that a notice of the application has been published in a local newspaper of general circulation in the community.

6.3. Submission Waiver

The Planning Board, as appropriate, may waive any of the submission requirements based upon a written request of the applicant submitted at the time of application. A waiver of any submission requirement may be granted only if the Planning

Board finds in writing that due to special circumstances of the application, the information is not required to determine compliance with the standards of this Ordinance.

6.4. Fees

A.) CEO Application Fee

An application for CEO review shall include payment of an application fee of $200.00 (two hundred dollars). The application shall not be considered complete until this fee is paid. The applicant is entitled to a refund of the application fee if the application is withdrawn within fifteen (15) days of date of filing, less all expenses incurred by the City of Caribou to review the application.

B.) Planning Board Application Fee

An application for Planning Board approval shall include payment of an application fee of $500.00 (five hundred dollars). The application shall not be considered complete until this fee is paid. An applicant is entitled to a refund of the application portion of fee if the application is withdrawn within fifteen (15) days of date of filing, less all expenses incurred by the City of Caribou to review the application.

6.5. Notice of Complete Application

Upon receipt of an application, the CEO shall provide the applicant with a dated receipt. Within five (5) working days of receipt of an application, the CEO shall review the application and determine if the application meets the submission requirements. The CEO or Planning Board, as appropriate, shall review any requests for a waiver from the submission requirements and shall act on these requests prior to determining the completeness of the application.

If the application is complete, the CEO shall notify the applicant in writing of this determination and require the applicant to provide a sufficient number of copies of the application to the [Planning Board, Planning Office, Code Enforcement Office, Engineering Department, Police Department, and Fire Department].

If the application is incomplete, the CEO shall notify the applicant in writing, specifying the additional materials or information required to complete the application.

If the application is deemed to be complete, the CEO shall notify all abutters to the site as shown on the Assessor's records, by first-class mail, that an application has been accepted. This notice shall contain a brief description of the proposed activity and the name of the applicant, give the location of a copy of the application available for inspection, and provide the date, time, and place of the Planning Board meeting at which the application will be considered. Failure on the part of any abutter to receive such notice shall not be grounds for delay of any consideration of the application nor denial of the project.

6.6. Public Hearing

For applications for Planning Board approval under Section 5.1(B), a public hearing shall be held within 30 days of the notice of the complete application.

6.7. Application Review

A.) CEO review. Within thirty (30) days of receiving a complete application for approval under section 5.1(A), the CEO shall review and recommend the application go to the Planning Board for Site Design Review, recommend with conditions, or deny the application in writing, together with the findings on which that decision is based. The CEO shall approve the application if the CEO finds that the application complies with the provisions in Section 7.1 of this ordinance.

The CEO shall notify all abutters of the decision to issue a permit under this section. The time period may be extended upon agreement between the applicant and the CEO.

B.) Planning Board Approval. Within ninety (90) days of receiving a complete application for approval under section 5.1(B), the Planning Board shall approve, approve with conditions, or deny the application in writing, together with the findings on which that decision is based. However, if the Planning Board has a waiting list of applications that would prevent the Planning Board from making a decision within the required ninety (90) day time period, then a decision on the application shall be issued within sixty (60) days of the public hearing, if necessary, or within 60 days of the completed Planning Board review. This time period may be extended upon agreement between the applicant and the Planning Board.

Section 7. Standards of Review

To obtain approval from the CEO or the Planning Board, an application must comply with the standards in this section.

7.1. CEO Approval Standards

An application for approval by the CEO under Section 5.1(A) must meet the following standards.

A.) The proposed facility is an expansion, accessory use, or colocation to a structure existing at the time the application is submitted.
B.) The applicant has sufficient right, title, or interest to locate the proposed facility on the existing structure.
C.) The proposed facility increases the height of the existing structure by no more than twenty (20) feet.
D.) The proposed facility will be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable.
E.) The proposed facility, to the greatest degree practicable, shall have no unreasonable adverse impact upon districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w(5); 36 CFR 60 and 800).

7.2. Planning Board Approval Standards

An application for approval by the Planning Board under Section 5.1(B) must meet the following standards.

A.) Priority of Locations. New wireless telecommunications facilities must be located according to the priorities below. The applicant shall demonstrate that a facility of a higher priority cannot reasonably accommodate the applicant's proposed facility.

1.) Colocation on an existing wireless telecommunications facility or other existing structure in the following districts, as identified in the [name of municipality] Zoning Ordinance:
2.) A new facility on public or private property in an Industrial District, or permitted as an Industrial Use.
3.) A new facility on public or private property in a Commercial District, or permitted as a Commercial Use.
~~4.) A new facility on public or private property in a Rural District, or permitted as a Rural Use.~~
~~5.)~~4.) A new facility on public or private property in a Residential District, or permitted as a Residential Use.

~~A.) Location~~

~~New wireless telecommunications facilities may be permitted only in the following districts as designated in the Caribou Zoning Ordinance and Land Use Table:~~

~~Industrial 1, Industrial 2, Commercial 2, Residential – Commercial 2, Hospital 1 and Residential 3 Zones.~~

B.) Siting on Municipal Property. If an applicant proposes to locate a new wireless telecommunications facility, or expand an existing facility on municipal property, the applicant must show the following:

~~1.)~~1) The proposed location complies with applicable municipal policies and ordinances.
~~2.)~~2) The proposed facility will not interfere with the intended purpose of the property.
~~3.)~~3) The applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.

C.) Design for Colocation. A new wireless telecommunications facility and related equipment must be designed and constructed to accommodate expansion for future colocation of at least three additional wireless telecommunications facilities or providers. However, the Planning Board may waive or modify this standard where the district height limitation effectively prevents future colocation.

D.) Height. A new wireless telecommunications facility must be no more than 200 feet in height.

E.) Setbacks. A new wireless telecommunications facility must have a minimum set back of 750 feet from any existing residential dwelling or school building. A new or expanded wireless telecommunications facility must be set back one hundred- fifty percent (150%) of its height from all property lines. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement.

F.) Landscaping. A new wireless telecommunications facility and related equipment must be screened with plants from view by abutting properties, to the maximum extent practicable. Existing plants and natural land forms on the site shall also be preserved to the maximum extent practicable.

G.) Fencing. A new wireless telecommunications facility must be fenced to discourage trespass on the facility and to discourage climbing on any structure by trespassers.

H.) Lighting. A new wireless telecommunications facility must be illuminated only as necessary to comply with FAA or other applicable state and federal requirements. However, security lighting may be used as long as it is shielded to be down-directional to retain light within the boundaries of the site, to the maximum extent practicable.

I.) Color and Materials. A new wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones and subdued hues shall be used.

J.) Structural Standards. A new wireless telecommunications facility must comply with the current Electronic Industries Association/ Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

K.) Visual Impact. The proposed wireless telecommunications facility will have no unreasonable adverse impact upon designated scenic resources within Caribou, as identified either in the municipally adopted comprehensive plan, or by a State or federal agency.

~~1.)~~1) In determining the potential unreasonable adverse impact of the proposed facility upon the designated scenic resources, the Planning Board shall consider the following factors:

~~a.)~~a) The extent to which the proposed wireless telecommunications facility is visible above tree line, from the viewpoint(s) of the impacted designated scenic resource;

~~b.)~~b) the type, number, height, and proximity of existing structures and features, and background features within the same line of sight as the proposed facility;

~~c.)~~c) the extent to which the proposed wireless telecommunications facility would be visible from the viewpoint(s);

~~d.)~~d) the amount of vegetative screening;

~~e.)~~e) the distance of the proposed facility from the viewpoint and the facility's location within the designated scenic resource; and

~~f.)~~f) the presence of reasonable alternatives that allow the facility to function consistently with its purpose.

L.) Noise. During construction, repair, or replacement of the wireless telecommunications facility or during the operation of a back-up power generator or the testing of a back-up generator or during a power failure, the facility is exempt from existing municipal noise standards. At all other time the facility shall comply with Section 13-700 § 20 Noise dB limits.

M.) Historic & Archaeological Properties. The proposed facility, to the greatest degree practicable, will have no unreasonable adverse impact upon a historic district, site or structure which is currently listed on or eligible for listing on the National Register of Historic Places.

7.3. Standard Conditions of Approval

The following standard conditions of approval shall be a part of any approval or conditional approval issued by the CEO or Planning Board. Where necessary to ensure that an approved project meets the criteria of this ordinance, the Planning Board can impose additional conditions of approval. Reference to the conditions of approval shall be clearly noted on the final approved site plan, and shall include:

1.) The owner of the wireless telecommunications facility and his or her successors and assigns agree to:
a.) respond in a timely, comprehensive manner to a request for information from a potential colocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
b.) negotiate in good faith for shared use of the wireless telecommunications facility by third parties;
c.) allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for colocation.
d.) require no more than a reasonable charge for shared use of the wireless telecommunications facility, based on community rates and generally accepted accounting principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the life span of the useful life of the wireless telecommunications facility.

2.) Upon request by the municipality, the applicant shall certify compliance with all applicable FCC radio frequency emissions regulations.

7.4. Standards for Antennas & Equipment installed on or in existing structures.

Wireless telecommunications facilities proposing to locate on existing buildings structures, flagpoles, or utility poles must meet all the following criteria:

(1) Antennas, receivers, lightning rods, guy wires, and any other wireless telecommunications facility equipment shall be attached to an existing building in such a manner as to not project above the roofline, ridgeline, peak, or steeple of the structure as observed from public lands and ways, or from historic sites and buildings. Antennas to be mounted on buildings with a flat roof shall be located at a distance of a 3 to 1 ratio from the edge of the roof based on the height of the antenna. Any application to install an antenna project shall be approved by a Professional Engineer prior to review by the Planning Board.
(2) A wireless telecommunications facility antenna or equipment attached to a building or structure roof shall not contrast with the color, texture, or linear orientation of the roofing materials.
(3) No wireless telecommunications facility equipment shall be mounted on any structure or located on any property that is in violation of the BOCA National Property Maintenance Code, 1996 edition, or any other building code so adopted by the City of Caribou council. Buildings or properties in violation of the Maine Uniform building Code or 2009 Edition of the International building Code or any other building code so adopted by the City Council, or any structure in a dilapidated condition shall be rehabilitated in a manner approved by the planning board prior to the attachment of wireless telecommunications facility equipment.
(4) Wireless telecommunications facility equipment shall be designed to be visually compatible with the texture and color of the background building material.
(5) Mitigation measures of architectural sitting of a wireless telecommunications facility shall conform to the dominant architectural period of the host structure.
(6) Wireless telecommunications facility equipment shall be located on the structure so as to be visually compatible with the rhythm and proportion of voids (windows and doors) and solids (facade) of the background structure.
(7) Ground facilities shall be screened from the street and all adjacent properties in all districts except the industrial district. Buffering shall consist of evergreen vegetation that achieves 90 percent year round visual obstruction from all potential viewer populations at the time of planting, solid wooden fencing, earth mounding, or combination thereof. The planning board may approve a buffer which achieves less than 90 percent visual obstruction where the proposed ground facility is a building and the planning board determines that the location, style, and architectural detailing of the building are visually compatible with other buildings in the immediate vicinity of the site and with the character of the surrounding neighborhood.
(8) Wireless Communications antennas located on or in existing structures are not required to meet the set back requirements of Wireless Communications Facilities Towers.

Section 8. Amendment to an Approved Application

Any changes to an approved application must be approved by the CEO or the Planning Board, in accordance with Section 5.

Section 9. Abandonment

A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The CEO shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the CEO that the facility has not been abandoned.

If the Owner fails to show that the facility is in active operation, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation.

If a surety has been given to the municipality for removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Planning Board.

Section 10. Appeals

An appeal of an administrative decision of the CEO or the Planning Board under this ordinance may be brought to the Board of Appeals, as provided by Section 13-810 Appeals, of the Caribou Zoning and Land Use Ordinance. Written notice of an appeal must be filed with the Board of Appeals within thirty (30) days of the decision. The notice of appeal shall clearly state the reasons for the appeal. An enforcement action of the Code Enforcement Officer is not appealable to the Board of Appeals.

Section 11. Administration and Enforcement

The CEO shall enforce this ordinance. If the CEO finds that any provision of this ordinance has been violated, the CEO shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action

necessary to correct it. The CEO shall order correction of the violation and may take any other legal action to ensure compliance with this ordinance.

The Caribou City Council or their authorized agent, are authorized to enter into administrative consent agreements for the purpose of eliminating violations of this ordinance and recovering fines without court action. Such agreements shall not allow a violation of this ordinance to continue unless: there is clear and convincing evidence that the violation occurred as a direct result of erroneous advice given by an authorized municipal official upon which the applicant reasonably relied to its detriment and there is no evidence that the owner acted in bad faith; the removal of the violation will result in a threat to public health and safety or substantial environmental damage.

Section 12. Penalties

Any person who owns or controls any building or property that violates this ordinance shall be fined in accordance with Title 30-A M.R.S.A. § 4452. Each day such violation continues after notification by the CEO shall constitute a separate offense.

Section 13. Conflict and Severability

13.1. Conflicts with other Ordinances

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

13.2. Severability

The invalidity of any part of this ordinance shall not invalidate any other part of this ordinance.

Historical Note: Section 13-770 was adopted by the City Council on March 12, 2012; Section 13-770 §7.4 was adopted by the City Council on December 10, 2012.

Historical Note: Sections 13-800 to 13-850 were repealed in their entirety by City Council June 14, 2021.

Sec. 13-900 Definitions.

1. **Construction of Language.**
   The following definitions shall apply to the Zoning Ordinance and the Subdivision Ordinance of the City of Caribou. In the interpretation and enforcement of these Ordinances, all words other than those specifically defined in the Ordinance shall have the meaning implied by their context in the Ordinance, their ordinarily accepted meaning, or as defined herein. In the case of any difference of meaning or implication between the text of the Ordinance, illustration, or table, the text shall control.
   A. The word "person" includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity and their designated agents.
   B. The present tense includes the future tense, the singular number includes the plural, and the plural numbers includes the singular.
   C. The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied."
   D. The word "CEO" shall mean Code Enforcement Officer.
   E. The term "Zoning Ordinance" shall mean the Zoning Ordinance of the City of Caribou.
   F. The term "Subdivision Ordinance" shall mean the Subdivision Ordinance of the City of Caribou

2. **Terms.** The following terms, as defined, shall apply as such throughout the Zoning and Subdivision Ordinances of the City.

Abandoned: The stopping of an activity, use, or business, or actions taken by an owner or representative that removes the major portion of materials, goods, equipment, facilities, or parts thereof necessary for the operation of the activity, use, or business. Also includes the abandonment and/or change to a less intensive use of the property/structure.

Abattoir: A facility for slaughtering and processing animals and refining their byproducts.

Abutter: Any Person, such as a property owner, lessee, or tenant, whose property adjoins or is directly across the road, street, right-of-way, stream, or waterway from the lot under consideration. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" includes any Person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration, or a party who the Planning Board determines would be impacted by the proposal.

Accessory Structure: A structure that is customarily and in fact both incidental and subordinate to the Principal Structure. The term "incidental" in reference to the Principal Structure means subordinate and minor in significance to the Principal Structure. Accessory Structures do not include buildings used as part of an agricultural operation on a Farm. A deck or similar extension of the Principal Structure or a garage attached to the Principal Structure by a roof, or a common wall is considered part of the Principal Structure and not an Accessory Structure. Also, a Fence is not an Accessory Structure.

Accessory Use: See Use, Accessary

Adult Entertainment: Establishments or activities that feature, sell, or display material depicting, describing, or relating to sexual conduct or nudity.

Affordable Housing: (1) Housing that is provided for a monthly rent of not more than 30 percent of the total monthly household income of a low-income household (defined to be a household earning less than 80 percent of the median annual income adjusted for household size, as determined by the United States Department of Housing and Urban Development); or (2) housing that is purchased with monthly payments (principal, interest, taxes, insurance, homeowners association fees, and assessments) that do not add up to more than 30 percent of the total monthly household income of a low-income household (defined to be a household earning less than 80 percent of the median annual income, adjusted for household size, as determined by the United States Department of Housing and Urban Development)

Agent: Any Person having written authorization to act on behalf of a Person.

Aggrieved Party: Any Person whose property is directly or indirectly affected by the granting or denial of a land use permit or variance under these Ordinances, or other Person or group of Persons who have suffered particularized injury as a result of the granting or denial of a land use permit or variance under these Ordinances.

Agriculture: The production, keeping, or maintenance for sale or lease, of plants and/or animals, including but not limited to forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture also includes animal husbandry, aquaculture, and the processing of goods carried out pursuant to a home food manufacturing license from the Maine Development of Agriculture, but does not include forest management, timber harvesting, or marijuana related activities. Accessory Uses to the Principal Agricultural Use of the lot or structures generally include the sale of produce and products actually grown, raised or processed on the premises; or fresh produce purchased off-site to supplement sales during the growing season, and agriculturally related products, provided that such produce and products do not occupy more than 25 percent of the space devoted to retail sales.

For the purpose of this definition, "agriculture-related products" means items produced under a home food manufacturing license from the Maine Department of Agriculture, including but not limited to jams and jellies, honey, cheese and dairy products, homemade baked goods, herbs and spices, ice cream, and maple syrup. The allowed retail sales may be in a farm stand or stands, in which a total of no more than five hundred (500) square feet are occupied by the sales activity.

For the purpose of this definition, the Boarding of Farm Animals and Gardening, are uses separate from Agriculture.

Agriculture Animals – Boarding: Commercially operated series of stables, barns, paddocks, and/or other shelters and exercising facilities in which large or medium farm animals are fed, exercised and/or cared for on a short or long-term basis. This definition does not include kennels.

Agriculture – Commercial Use: Farm operations which will: (A) contribute in a substantial way to the area's existing agricultural economy; and (B) help maintain agricultural processors and established farm markets. When determining whether a farm is part of a commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered.

Agriculture – Personal Use: The production, principally for use or consumption of the property owner, of plants, animals, or

their products and for sale to others where such sales are incidental, including but not limited to gardening and fruit production. Poultry and livestock production may be included in this definition based on compliance with regulations in this ordinance.

Agricultural Processing: The manufacturing, processing, and/or packaging of foods, dairy products, commercial composting, fertilizer. Agricultural Processing does not include Abattoir operations.

Agricultural Products: Products intended for direct human or animal consumption such as vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, and wool.

Agricultural Products, Processing, and Storage: Establishments engaged in the manufacturing, processing, and/or packaging of foods, dairy products, commercial composting, fertilizer and storage of such products

Agricultural Sales and Service: Agriculturally related businesses that supply farm inputs and implements (such as equipment) or are involved in the marketing of farm products (such as wholesalers and retailers). Agricultural Sales and Service does not encompass or involve a Farm under this definition.

Agricultural Storage: The storage or warehousing of agricultural products including any related shipping and receiving operations.

Airport: Property that is maintained for the landing, refueling, and takeoff of aircraft and for the receiving and discharge of persons and cargo traveling by air. An Airport encompasses all aviation-related facilities, structures, and property as defined and recognized by the Federal Aviation Administration.

Alteration: Any change, addition, or modification in construction, other than cosmetic or decorative; or any change in the structural members of buildings such as load-bearing walls, columns, beams, or girders.

Amphitheater/Concert Venue (Outdoor): A venue designated for the public enactment of performing arts or other commercial entertainment uses.

Amusement Facility: A building or portion of a building that contains a) three (3)-or-more coin-, card-, or token- operated amusement machines; or b) one (1) or more coin-, card-, or token- operated amusement machines with more than one screen or console, table, court, course, or activity area that can be played by three (3) or more individuals simultaneously.

Amusement Park: An outdoor recreation facility that accommodates seasonal or year-round recreational activities in association with high-value resources such as natural or man~~d~~-made, themed attractions, amusement rides, activities, courses, or trails.

Animal Husbandry: The breeding, raising, or keeping of livestock, other than customary household pets, for Commercial Use purposes. Animal Husbandry does not include Kennels or Confined Animal Feeding Operations.

Animal Rescue Group: An organization or individual that receives domesticated animals that have been abandoned, surrendered, or removed from an animal facility or receives homeless dogs or cats and sells, gives or otherwise places the animals in private homes.

Animal Shelter: A facility that houses domesticated animals and operates for the purpose of providing stray, abandoned, abused or owner-surrendered animals with sanctuary or finding the animals temporary or permanent adoptive homes or placing with an Animal Rescue Group.

Antenna: Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or other electromagnetic signals.

Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades is used in calculating the Antenna Height.

Antique Sales: Activity related to the selling and or buying of second hand or antique goods.

Applicant: A Person applying for land use permit approval. An applicant may be the property owner, his/her agent, or the developer involved in the construction or activity.

Aquaculture: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species (see Agriculture).

Aquifer: A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

Aquifer Recharge Area: An area mapped by the Maine Geological Survey or by a licensed geologist that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

Area of Special Flood Hazard: The land in the floodplain having a one percent or greater chance of flooding in any given year.

Art Gallery or Crafts Studio: An Establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. Art Gallery or Crafts Studio does not include libraries, museums, or non-commercial art galleries.

Artificial Monument: A man-made object used to mark and identify the corner or line of property boundaries. Artificial monuments are devices that conform to recognized standards of the Maine Board of Licensure for Professional Land Surveyors.

Assembly and Packaging Facility: Facilities that engage in actions that put together, wrap, box, or otherwise package previously manufactured parts or products.

Assisted Living Facility: A large or small Healthcare Housing Facility, which may include a mental disability facility, nursing care facility, home for the aging, or other facilities that are licensed by the State of Maine Department of Health and Human Services. Assisted living facilities usually are intended to service older adults or disabled individuals who cannot or choose not to live independently. Provided services typically include meal preparations, personal care, and health-related services available 24 hours a day. Such facilities encourage a degree of autonomy and independence in residents that is not generally seen in nursing homes, but still support the living of needy adults in a meaningful manner. Residents in an assisted living facility generally require custodial care.

Assisted Living Facility – Large: An Assisted Living Facility that provides care for six (6) or more residents at any time.

Assisted Living Facility – Small: An Assisted Living Facility that provides care for no more than five (5) residents at any time.

Auction Barn: A building, area, or areas within a building used for the public sale of agricultural oriented goods, wares, merchandise, or equipment to the highest bidder. This definition includes the sale of livestock or motor vehicles.

Auction House: A building, area, or areas within a building used for the public sale of goods, wares, merchandise, such as art and antiques to the highest bidder.

Automobile (Vehicle) Graveyard: Definition provided in Maine Revised Statutes, Title 30-A, as amended.

Automobile (Vehicle) Recycling Business: An "automobile recycling business" is defined as a business that purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts, and/or rebuildiding or repairing salvage vehicles for resale, or for selling the basic materials in the salvage vehicles, provided that 80% of the business premises is used for automobile recycling. This is further ~~Definition provided~~defined in Maine Revised Statutes, Title 30-A, as amended.

Automobile (Vehicle) Repair Garage: A place where, with or without the attendant sale of engine fuels, the following services may be carried out: small or large engine repair and rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; over-all painting and undercoating of automobiles.

Automobile (Vehicle) Sales and Service: The use of any building or land area for the display and sale of new or used automobiles, trucks, vans, trailers, recreational vehicles, motorcycles, or similar motorized vehicles, including repair facilities for such vehicles.

Automobile (Vehicle) Service Station: A facility primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar mechanical equipment, including brake, muffler, tire repair and change, lubrication, tune ups, safety inspections, detailing shops, overhaul, or transmission work, but does not qualify as an Automobile (Vehicle) Repair Garage.

Babysitting: Providing care, usually for compensation, for up to two children or adults for a short period of time, as a service for the child or adult's guardians, but which is not required to obtain a license as a day care facility through the State of Maine.

Bakery: Any establishment where baked goods are produced and sold directly to consumers on the same premises.

Bank or Financial Services: see Professional Business Offices

Bar or Pub: A commercial Establishment or part thereof that is open to the general public and primarily sells and serves intoxicating beverages by the drink for consumption on the premises. Bars include taverns, night clubs, private clubs, bottle

clubs and similar facilities that serve alcoholic beverages.

Base Flood: A flood level that has a one percent chance of being equaled or exceeded in any given year, alternately referred to as the 100-year flood.

Base Flood Elevation: The maximum elevation (height) on a Property that will be inundated by a Base Flood.

Basement: The enclosed area beneath the main level of a structure, typically having at least one-half of its height, the distance between the ceiling and floor, below grade and may be improved as occupiable space. (Compare Crawl Space.)

Bed and Breakfast: Any single-family dwelling, that is occupied by a permanent resident, in which transient lodging and a breakfast (full or continental) are provided to the public for compensation, and no provisions are made for cooking in any of the individual guest rooms. Bed and Breakfast facilities provide no more than five (5) rooms or cottage spaces for lodging.

Boarding – Farm Animals: (See Stables, Commercial)

Boarding Home for Sheltered Care: A non-profit or for-profit boarding home for the sheltered care of up to five (5) persons with a disability, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation. These facilities may be licensed by the state as rehabilitation facilities.

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

Boat Launching Facility: A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Buffer: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g., noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Building: Any structure having a roof supported by columns or walls for the sheltering, housing or enclosure of persons, animals, or personal property.

Building Height: The vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the building or structure, to the highest point of the building or structure. The highest point shall exclude farm building components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, processing towers, tanks, bulkheads, or other building accessory features usually erected at a height greater than the main roofs of buildings.

Building Materials – Storage and Sale: Commercial storage and retail sale of building materials, including but not limited to lumber, roofing, masonry, hardware, and related construction goods. This use may include indoor or outdoor storage of inventory.

Bulk Grain Storage: Storage of loose, unpackaged harvested agriculture commodities including but not limited to corn, wheat, rice, barley, and soybeans in a high capacity structure to protect product from moisture, pests and spoilage.

Bulk Oil and/or Gas Terminal: Industrial facility used for receipt, storage, blending, and wholesale distribution of oil, petroleum products, and natural gas.

Campground or RV Park: Any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles, or other shelters for which a fee is charged.

Campground -Youth Camp: A campground for the accommodation of children or other organized groups for educational or recreational purposes and as further defined in M.R.S.A Title 22, Section 2491. The term is distinct from campground and retreat centers generally and does not include parks for recreational vehicles.

Capital Improvements Program (CIP): A municipality's proposed schedule of future projects listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

Catering Establishment: Any kitchen, commissary, or similar place in which food or drink is prepared for sale or service elsewhere or for food service on the premise during special catered events.

Cemetery: Property used for the interring of the dead.

Cemetery – Pet: Property used for the interring of deceased domesticated pets.

Certificate of Compliance: A document signed by the CEO stating that a structure is in compliance with all of the provisions of a Floodplain Management Ordinance. This shall include a certificate of occupancy for new construction.

Certificate of Occupancy: A document signed by the CEO stating that a structure is in compliance with all of the provisions

of the Zoning Ordinance, Shoreland Zoning Ordinance, Floodplain Management Ordinances, Building Code, and the Subdivision Ordinances of the municipality.

Change of Use: A change from one primary use category in the Land Use Table to another.

Club - Private: Any building or rooms, which serves as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational, or like activities, operated for the benefit of its members and not for the general public. These establishments may or may not be licensed to distribute alcoholic beverages in accordance with city and state regulations.

Cluster Development: A development designed to maintain or promote the creation of open space by a reduction in dimensional and lot area requirements consistent with city development standards

Code Enforcement Officer (CEO): A person employed by the City and appointed by the City Manager to administer and enforce an ordinance. Reference to the CEO may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

Colocation: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Commercial Greenhouse or Garden Center: (see Horticulture)

Commercial Use: Commercial Use includes the use of lands, buildings, or structures, where the intent and result of such activity is the production of income from the buying and selling of goods and services. Commercial Use does not include permitted Home Occupations nor the rental of residential buildings and dwelling units.

Commercial Rubbish Hauler. Any Person engaged in the collection and transportation of solid waste for a fee or other compensation.

Common Open Space: Land within or related to a development, not individually owned, which is designed and intended for the common use or enjoyment of the residents or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the usable open space, such as for outdoor recreation.

Community Center: A building that provides a meeting place for local, non-profit community organizations, groups or individuals on a regular basis

Community Residential Home: (see: Group Home)

Community Shelters: A residence providing food, shelter, medical care, legal assistance, personal guidance, and other services to persons who have been victims of domestic violence, including any children of such victims, who temporarily require shelter and assistance in order to protect their physical or psychological welfare.

Comprehensive Plan: A document or interrelated documents adopted by the municipality's legislative body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

Composting – Commercial Use: The processing and sale of more than 1000 cubic yards of compost per year.

Composting – Personal Use: The processing of less than 1000 cubic yards of compost for personal/household use only, and not for commercial sale.

Concept Plan: A plan which illustrates intended development on a property including but not limited to public utility connections, roads, access points, signage, lighting, buildings, storm drain areas, grading and parking. Specific plan requirements are available on the city's application forms.

Condominiums: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions under a declaration, or an amendment to a declaration, duly recorded pursuant to MRSA Title 33 Chapter 31. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Any real estate development consisting exclusively of clustered, detached, single family residences is not a condominium, unless so designated in the declaration.

Conference/Convention/Event Center: Building or buildings used for event space for business, public and private events, training sessions, and professional workshops.

Confined Animal Feeding Operations: Specialized agriculture production enterprises with confined beef cattle, hogs, poultry and egg farms and their related structures. Typically, these operations have large animal populations restricted to small areas.

Conforming: A building, structure, use of land, or portion thereof, which complies with all the provisions of an ordinance.

Congregate Housing: Facility with more than five apartments or dwellings with communal dining facilities and services, such as housekeeping, organized social and recreational activities, transportation services, and other support services

appropriate for functionally impaired or disabled persons. Congregate Housing includes facilities that are licensed by the State of Maine as rehabilitation facilities.

Congregate Housing, Elderly: A category of Congregate Housing that serves elderly persons, provides shared community space and dining facilities, and normally provides its residents with housekeeping services, personal care and assistance, transportation assistance, recreational activities, and/or specialized shared services such as medical support services. For purposes of this definition, "Elderly" persons includes individuals who are at least 60 years old, or a couple that constitutes a household and at least one of whom is at least 60 years old at the time of entry into the facility. "Shared community space" includes space that is designed to be used for the common enjoyment and leisure of residents of the facility, such as, reading rooms, sitting rooms, recreational rooms, rooms for entertaining quests and exercise rooms. "Shared dining facilities" includes a room or rooms designed for serving meals to residents who are sitting together, plus the kitchen and ancillary facilities required to prepare the meals. A Congregate Housing - Elderly development includes either or both of the following types of residential units:

1. Dwelling units, as defined by this Section; and
2. Residential care units, which do not meet the definition of dwelling unit because they have no cooking facilities within the units, but which normally consist of rooms with sleeping and sanitary facilities.

Additionally, the term "Congregate Housing - Elderly" includes specialized facilities that provide long-term residential care, such as those designed specifically for persons with Alzheimer's Disease or other afflictions of the elderly for which specialized care outside of a nursing home may be appropriate. Congregate Housing - Elderly is distinct from "Convalescent Home Rest Home or Nursing Home," which is defined separately.

Conservation Easement: A non-possessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property; assuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; or maintaining air and water quality.

Construction: The act of building, erecting, altering, reconstructing, moving upon, or any other physical operations on a premise that pertains to structures or site improvements.

Construction Business: A business establishment engaged in physical construction and construction management.

Construction Trailer: A temporary structure such as a mobile home, tractor trailer, or any other similar structure, that is used in conjunction with permitted construction activities, and which is used or constructed in such a manner as to permit daily occupancy and/or the storage of equipment and materials.

Convalescent Home, Rest Home, or Nursing Home: (See: Health Care Facility - Residential)

Convenience Store: A small, retail shop that sell every day household goods, prepackaged foods and beverages, often accessory to a fuel station.

Correction/Detention Facility: A public or private institution or structure used for the secure, involuntary confinement, custody, or temporary holding of individuals.

Crawl Space: A space, usually about two (2) feet high, provided under a building in order to enable access to plumbing, wiring, and/or equipment.

Curb Cut: The opening along the curb line or right-of-way line at which point vehicles may enter or leave the road.

Data Center/Processing Facility: A facility used primarily for the centralized storage, management, processing, and transmission of digital data. Data centers typically include servers, computer systems, data storage equipment, networking hardware, and associated mechanical, electrical and cooling infrastructure, backup power systems, cooling systems, fire suppression systems, and secure access controls are considered accessory components.

Day Care Facility – Adult: Program of care, activities and protection maintained or carried out on a regular basis by a person or combination of persons in a private dwelling or other facility, for consideration, for any part of a day for 3 or more adults, 19 years of age or older, who are not blood relatives and are coming to the facility for the express purpose of participating in the program. This is further defined in the Maine Revised Statutes Title 22.

Day Care Facility - Center: Any dwelling, building, or portion thereof that day care services are provided to ~~either~~ children ~~or adults~~ and which may include on-site outdoor play areas. ~~Day care facilities are further differentiated by the following~~

~~classifications:~~

Day Care Facility – Family: Small group child care operated out of the provider's private residence or similar facility as defined in Maine Revised Statutes Title 22.

Day Care Facility – Group: A housing facility for the care of persons with disabilities which is approved, authorized, certified, or licensed by the State as provided in 30-A M.R.S.A.

Day Care Home: A Day Care Facility that is located within any premises or dwelling unit, other than the home of the individual receiving care, where the care areas also are used as a family residence and day care services are provided on a regular basis to more than two but less than seven children or adults at any one time, and the children or adults receiving care are not relatives of the caregiver.

Group Day Care Home: A Day Care Facility that cares for more than six (6), but less than twelve (12) children or adults, at any one time, and where the care areas also are used as a family residence.

Day Care Centers: A Day Care Facility that is licensed to provide care for seven (7) or more children or adults at any one time and where the care areas are not used as a family residence.

Deck: An uncovered structure with a floor, elevated above ground level.

Decorative Changes: Repainting or re-siding; removing or replacing trim, railings, or other non-structural architectural details

Deer Wintering Areas: Areas used by deer during the winter for protection from deep snows, cold winds, and low temperatures, as identified by the Maine Department of Inland Fisheries and Wildlife.

Demolition/Waste Disposal Facility: A facility, including a landfill, that accepts, processes and/or stores useless, unwanted, or discarded solid items or material with insufficient liquid content to be free flowing. Items include but are not limited to, rubbish, garbage, scrap metals, junk, refuse, inert material, landscape refuse, and demolition debris. Demolition/Waste Disposal Facility does not include commercial hazardous waste disposal facilities or recycling centers which are regulated by the State of Maine.

Density: The number of dwelling units per acre of land.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets and those lands which may be reserved from future development as part of a development approval.

Developer: A Person who is engaging in development or construction on the land. The developer, owner, and the applicant may be one in the same.

Development: Any man-made changes to improved or unimproved real estate, including but not limited to, subdivisions, constructing buildings or other structures, mining, dredging, filling, grading, paving, excavation, changing drainage patterns, or drilling operations.

Dimensional Requirements: Numerical standards relating to spatial relationships, including but not limited to, setback, lot area, shore or road frontage, and height.

Direct Watershed: That portion of the watershed which does not first drain through an upstream lake.

Disability, Physical or Mental: Any disability infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, addiction, disease, birth defect, environmental conditions or illness, and includes the physical or mental condition of a person that constitutes a substantial disability as determined by a physician or, in the case of mental disability, by a psychiatrist or psychologist, as well as any other health or sensory impairment that requires special education, vocational rehabilitation, or related services. The City will rely upon the definition of Disability as provided in the Americans with Disabilities Act, as amended, when considering requests for special accommodations under such act.

Drive-Up Facility: An Establishment that, by design of physical facilities or by service, encourages customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises while remaining in the vehicle.

Drive-Up Facilities may include, but are not limited to, Automated Teller Machines (ATMs), automated car washes, or eating Establishments with curb side pickup or delivery.

Driveway: A vehicular access-way serving a single property from a public or commonly held right-of-way.

Driveway, Common: A vehicle access-way serving more than one property from a public or commonly held right-of-way. These generally require shared use agreements or easements.

Drug Free Safe Zones: **"**Drug Free Safe Zones" in Caribou Code Section 8-105 are all public athletic fields, parks, playgrounds, and recreation facilities under the jurisdiction of the City of Caribou shall be designated as Drug-Free Safe Zones in accordance with the State of Maine Title 17-A §1101(23). Any subject apprehended dealing drugs within 1,000 feet of any designated Drug Free Safe Zone shall be subject to enhanced penalties (17-A MRSA Chapter 45).

Dumpster – Roll Off: Placement of a permanent (non-construction or non-temporary) open top, rectangular waste container delivered and removed by a specialized roll-off truck that rolls the unit directly onto and off of the back of the vehicle.

Dwelling: A building designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters. The term shall include mobile homes and manufactured housing, but not recreational vehicles.

Dwelling - Accessory: An independent Dwelling Unit that is smaller than the associated Primary Structure, is located on the same lot as another Dwelling or commercial Establishment and may be incorporated within, attached to, or separate from the Primary Structure in accordance with the City's standards.

Dwelling – Apartment: A Dwelling Unit that is designed and equipped for rental use by one (1) Family as a habitation and

shares common site features (e.g., parking, landscaping, etc.) with inhabitants of other Apartments on the same property.

Dwelling – Condominium: A Dwelling Unit that is categorized under a certain class of real estate, portions of which are designated for separate ownership, and the remainder of which is designated for common ownership solely by the owners of those portions under a declaration, or an amendment to a declaration, duly recorded pursuant to MRSA Title 33 Chapter 31. Real estate is not a Condominium unless the undivided interests in the common elements are vested in the unit owners. Any real estate development consisting exclusively of clustered, detached, single family residences is not a condominium, unless so designated in the declaration.

Dwelling - Farm Labor: A Dwelling located on land owned by the laborers' employer, inhabited solely by persons or Families, while employed in agricultural activities on land owned by the laborers' employer.

Dwelling - Multi-Family: A building owned by one Person or entity, containing three (3) or more Dwelling Units, is designed for residential use and occupancy by three (3) or more families living independently of one another, and with the number of Families not exceeding the number of dwelling units.

Dwelling - Single-Family: A building containing only one (1) dwelling unit for occupation by not more than one (1) family.



Figure 1: Example Duplex or Twin-home design

Dwelling – Tiny Home: A living space permanently constructed on a frame or chassis designed for use as permanent living quarters pursuant to M.R.S.A. Title 29-A, Section 101, Subsection 80-C.

Dwelling - Townhome: A building designed for residential use and occupancy and containing three (3) or more Dwelling Units, each of which occupy a separately identified and owned footprint, but which share a common wall with one or more of the adjacent Dwelling Units.

Dwelling - Twin-home: A building that contains two (2) Dwelling Units that are constructed with a common wall over the lot boundary line between the two separate lots, and that are occupied by one (1) Family per Dwelling Unit.

Dwelling - Two-Family Duplex: A building that contains two (2) Dwelling Units of similar size that are constructed on a single lot with each unit occupied by a separate Family. A Two-Family Duplex does not include a Dwelling - Single Family with an accompanying Dwelling - Accessory.



Figure 2: Example 5-unit Townhome

Dwelling Unit: A room or suite of rooms designed and equipped exclusively for use by one (1) Family as a habitation and which contains independent living, cooking, sleeping, eating, and sanitary facilities. Dwelling Unit includes Apartments, Mobile Homes and Modular Homes, but does not include Recreational Vehicles, Hotels, Motels, or Inns.

Emergency Operations: Operations conducted for the public health, safety, or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property, and livestock from the threat of destruction or injury.

Engine Repair – Large: General repair, rebuilding, or reconditioning of engines that exceed 30 horsepower and are water cooled. Large engines include those for motorcycles, snowmobiles, outboard motors, may include lawnmowers, and engines larger than needed for the Vehicles noted.

Engine Repair – Small: Repair, rebuilding, or reconditioning of engines that generally do not exceed 30 horsepower and are air-cooled. Small engines generally include those used with powered tools, e.g., snowblowers, chainsaws, lawnmowers, etc.

Establishment: A location where an economic unit conducts business, provides services, or performs industrial operations, including all its physical elements, components, and employees.

Excursion or Guide Service: A service established to ferry or guide tourists and other persons to their destination or experiential venues. This term shall also include services like sight-seeing and other recreational river trips or tours where there may not be a specific point of destination.

Expansion: An increase in the floor area or volume of a structure, including all extensions such as, but not limited to, attached decks, garages, porches, and greenhouses.

Expansion of Use: The addition of weeks or months to a business operating season; the addition of hours to a business day; the use of more floor area or ground area to a particular use; and intensifying of a use with a space (e.g., the provision of additional seats or seating capacity, adding Dwelling Units, etc.).

Exterior Walls: A wall, bearing or non-bearing, that is used as an enclosing wall for a building, other than a fire wall, and that has a slope of 60 degrees or greater with the horizontal plane.

Facility - A structure or place which is built, installed, or established to serve a particular purpose.

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

Farm: Any place that has, or has the potential to produce, one thousand dollars ($1,000.00) or more in annual gross sales of farm products via cultivating of soil, managing croplands, producing and harvesting crops, and/or raising or breeding of livestock.

Farm Animal: Animals other than household pets that may, where permitted, be kept and maintained for commercial production and sale or family food production, education, or recreation, including, but not limited to chickens, pigs, sheep, goats, horses, cattle, donkey and mules.

Farm Animals – Boarding: (See Stables, Commercial)

Farmers Market: A temporary or year-round event or series of events conducted within a structure or open space by three (3) or more individual produce growers and/or manufacturers of Agricultural Products who assemble to sell Agricultural Products.

Farm Stand: A detached structure that is designed, arranged, or used for the display and sale of Agricultural Products primarily grown or produced on the premises upon which the stand is located. Farm Stand wares also may include products grown on other premises that the products are not grown upon, provided such premises are owned by the operator (e.g., a farmer's separate field).

Fence: Any artificially constructed barrier of any material, or combination of materials, erected to enclose or screen areas of land. To further distinguish types of fences: (a) a boundary fence encloses a parcel of property; and (b) a privacy fence blocks part or all the property from the view of the neighbors. Privacy fences may be solid and taller than other types of fences. For the purposes of these Ordinances, a fence is not an Accessory Structure.

Filling: Depositing or dumping any matter on or into the ground or water.

Final Plan: The final drawings on which the applicant's plan of development, consistent with city standards and application submittal requirements, is presented for approval. (See: Recording Plan)

Fire, Ambulance, or Police Station: A building for the primary use of Fire, Ambulance, and Police Services of the City of Caribou.

Firewood Processing – Commercial Use: Any commercial operation involving the cutting, sawing, or chopping of wood in any form for use as firewood on property other than that on which the operation is located, irrespective of where such wood is grown.

Firewood Processing – Personal Use: the cutting, sawing, or chopping of wood in any form for use as a heat source for a residence located on the same property as the operation, irrespective of where such wood is grown.

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flea Market: A temporary or year-round event or series of events conducted within a structure or open space by three (3) or more Persons, who assemble at a common location, to sell a variety of used or crafted merchandise staged on tables or in space(s) leased or rented to vendors.

Floating Slab: A reinforced concrete slab which is designed to withstand pressures both from below and above.

Flood Insurance Rate Map: The official map on which the Dept. of Housing and Urban Development or the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones.

Floodplain: The lands adjacent to a body of water or water course which have been or may be covered by the base flood.

Floodplain Soils: The following soil series as described and identified in the Soil Survey for Aroostook County, Maine: Alluvial, Hadley, Medomak, Winooski

Floodproofing: A combination of structural and non-structural provisions, changes, or adjustments to properties, water and sanitary facilities, structures, and contents of buildings that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area, Gross: The areas of all roofed portions of a building, as measured from the exterior faces of the exterior walls. In Shoreland Areas, this shall also include the horizontal area of any attached, unenclosed portions of a structure such as porches and decks.

Floor Area Ratio: A ratio derived by dividing the gross floor area of a building by the area of the lot.

Forest Management Activities: Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities. Forest Management Activities does not include timber harvesting or road construction and maintenance.

Forested Wetland: A freshwater wetland dominated by woody vegetation that is six (6) meters or taller. (6 meters = 19.865 feet).

Forestry: The operation of timber tracks, tree farms, forest nurseries, the gathering of forest products, or the performance of forest services.

Foundation: The supporting substructure of a building or other structure, including, but not limited to, basements, slabs, sills, posts, or frost walls (See: Permanent Foundation).

Freshwater Wetland: Freshwater swamps, marshes, bogs, and similar areas, other than forested wetlands, which are:

1. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and

2. Not considered part of a great pond, river, stream, or brook.

Frontage: The uninterrupted linear or curvilinear extent of a lot measured along the public or private street right-of-way from the intersection of one side lot line to the intersection of the other side lot line.

Frontage, Shore: The horizontal distance, measured in a straight line, between the intersections of the lot lines with the shoreline at the normal high-water line.

Frost Wall: A masonry foundation wall extending below the ground surface, supported by footings located below the frost line to protect structures from frost heaves.

Functionally Water-Dependent Uses: Those uses that require, for their Primary Use, location on submerged lands or direct access to, or location in, inland waters and which cannot be located away from these waters. Acceptable Primary Uses include, but are not limited to, commercial and recreational fishing and boating facilities, retail and wholesale fish marketing facilities, waterfront dock and facilities, marinas, navigation aids, basins and channels, and other industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site.

Funeral Home: A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming, and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns, and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation.

Garage: An accessory building, or part of a principal building, including a car port, used primarily for the storage of motor vehicles.

Garage Sale: See Yard Sale.

Gardening: Activities under Agriculture – Personal Use, specifically limited to growing fruits and vegetables on a limited scale for household consumption. Gardening does not include raising or keeping of Farm Animals.

Gasoline Service Station: (See: Automobile Service Station)

General Store or Grocery Store: A Retail Business wherein most of the floor area is devoted to the sale of food products for home preparation and consumption, and that typically offers other home care and personal care products. General Stores or Grocery Stores are substantially larger and carry a broader range of merchandise than Neighborhood Convenience Stores.

Golf Course: An outdoor facility for playing golf, at which there may be a clubhouse. A golf course may provide additional facilities and services, such as related retail sales, restaurant, lounge, and event space, if approved as a part of the use permit.

Golf Course, Miniature: A small-scale novelty version of golf played with only a putter and a golf ball on a miniature course, typically constructed with artificial playing surfaces, and including obstacles, such as bridges and tunnels.

Governmental Facility: A Building, Structure, or other related facility or site where functions or services normally provided by governmental entities take place. Government Facilities does not include those Primary Uses which are residential Dwelling Units but may include accommodations for employees such as bunk rooms at a fire station.

Gravel Pit: (See: Mineral Extraction)

Great Pond: Any inland body of water which in a natural state has a surface area more than ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres.

Group Home: A facility licensed to serve clients of the State of Maine Health and Human Services Agency and that provides a living environment for up to five (5) unrelated residents, who operate as the functional equivalent of a family. A Group Home provides supervision and care by a supportive staff.

Guest House: (See: Inn)

Hazardous Waste: A waste substance or material, in any physical state, designated as hazardous by the MDEP Board under MRSA 38, §1303-A. The fact that a hazardous waste or part or a constituent may have value or other use or may be sold or exchanged does not exclude it from this definition.

Health Care Facility: A hospital, psychiatric hospital, nursing facility, kidney disease treatment center including a freestanding hemodialysis facility, rehabilitation facility, clinics, ambulatory surgical facility, independent radiological service center, independent cardiac catheterization center or cancer treatment center.

Health Care Facility - Large: A Health Care Facility that provides inpatient care and outpatient care, with capacity of more than five (5) patients per hour.

Health Care Facility - Residential: An inpatient Health Care Facility - Large that provides rooms, meals, personal care, and health monitoring services, under the supervision of a professional nurse, to the elderly or disabled individuals. Health Care Facility – Residential also may provide other services, such recreational, social, and cultural activities, financial services, and transportation. Health Care Facility – Residential includes licensed nursing homes, assisted living facilities, hospice, or other supported living arrangements, each of which are certified and regulated by the State of Maine.

Health Care Facility - Small: A Health Care Facility that does not provide inpatient care but provides outpatient care with capacity of no more than five (5) patients per hour. Health Care Facility – Small does not include private health care practitioner offices, which are regulated separately by the State of Maine.

Height of a Structure: (See: Building Height)

Helipad or Heliport: Any landing area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities.

High Intensity Soil Survey: A soil survey conducted by a Certified Soil Scientist, meeting the standards of the national Cooperative Soil Survey, which identifies soil types down to 1/10 acre or less at a scale equivalent to the subdivision plan submitted. The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

High Water Elevation: (See: Normal High-Water Line of Waters)

Historic District: A geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures, objects or features united by past events or aesthetically by plan or physical development and identified in the municipality's Comprehensive Plan, or which is listed or is eligible to be listed on the National or State Register of Historic Places. Such historic districts may also comprise individual elements separated geographically but linked by association or history.

Historic Site/Structure: Means any land, site, or structure that is: (1.) Listed individually in the National Register of Historic Places or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (2.) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district; (3.) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (4.) Individually listed on a city inventory of historic places or otherwise noted in the City's Comprehensive Plan.

Home Occupation: An activity, occupation or profession that is conducted on a Dwelling site or within an associated Dwelling Unit by a member of the family permanently residing in the Dwelling Unit. Home Occupations are conducted for financial gain and must be a compatible Accessory Use to the Primary Use of the property (i.e., habitation) and surrounding residential uses.

Homeowners Association: A community association which is organized in a residential development in which individual owners share common interests in open space and/or facilities.

Horticulture: The cultivation of fruits, vegetables, flowers, and plants, including orchards, commercial greenhouses and nurseries, and landscaping services.

Hospital: (See: Health Care Facility)

Hotel: A Building or group of Buildings, within which lodging, or meals and lodging are offered to the general public for compensation, and in which ingress and egress to and from the rooms are made primarily through an inside lobby or office and interior hallways. Hotels may include services and amenities such as pools, spas, exercise facilities, conference space, and bars.

Household Pet: Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include, but not be limited to, domestic dogs, domestic cats, domestic tropical birds, domestic rabbits, domestic tropical fish, and rodents.

Housing Facility: A development having Dwelling Units that are affordable, according to the U.S. Department of Housing and Urban Development, for either home ownership or rental, and that is occupied, reserved, or marketed for occupancy by households with a gross household income equal to 50 percent or less of the median gross household income for households of the same size within the housing region in which the Housing Facility is located.

Impervious Surface: For the purpose of these Ordinances, impervious surfaces include buildings, structures, paved, and compacted gravel surfaces.

Industrial Park or Development: A Subdivision that is developed exclusively for industrial uses, or a Subdivision planned for industrial uses and developed and managed as a unit, usually with provisions for common services for the benefit of property owners and tenants.

Inn: A Building or group of Buildings, within which lodging, or meals and lodging is provided to the general public for compensation. An Inn contains a Dwelling Unit that is occupied by an owner or resident manager, along with six (6) to ten (10) lodging rooms, in which ingress and egress to and from the rooms are made primarily through an inside lobby, office, or other common room and interior or exterior hallways. Inns also are referred to as Guest Houses, Lodging Houses, and Tourist Houses or Hostels.

Junkyard: A yard, field, or other area used as place of storage for:

1. Discarded or worn-out, plumbing, heating supplies, household appliances, and furniture,
2. Discarded or scrap lumber and masonry materials,
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, plastic debris, waste, and all scrap iron, steel, and other scrap ferrous or non-ferrous material, and
4. Garbage dumps, waste dumps, and sanitary landfills.

Kennel - Boarding: Any place, Building, tract of land or abode in or on which three (3) or more privately-owned companion animals are kept at any one time for their owners, in return for a fee or compensation. Kennel - Boarding includes facilities where three (3) or more companion animals are kept for training purposes.

Kennel – Breeding: Any place, Building, tract of land or abode in or on which 1) five (5) or more adult female dogs, wolf hybrids or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for compensation; or 2) more than sixteen (16) dogs or cats raised on the premises are sold to the public in a 12-month period. Kennel-Breeding does not include kennels licensed by a municipality under Section 3923-C when the dogs are kept primarily for hunting, show, training, sledding, competition, field trails or exhibition purposes, and not more than 16 dogs are offered for sale, sold, or exchanged for value within a 12-month period.

Land Use Permit: Any permit or authorization documentation issued by the Community Development Department. This shall include but not be limited to Building Permits, Subdivision or Site Design Approvals, Sign Permits, etc.

Laundry of Dry Cleaning: A Retail Business that provides washing, drying, and/or ironing services or machines for hire, to be used by customers on the premises. Machines are typically coin-operated, and customers generally are responsible for loading and unloading their laundry independently, without the assistance of a staff member.

Library/Museum: Public, non-profit, or private facilities dedicated to literature, historic or cultural preservation, and use of public computers and meeting spaces.

Line of Sight: The unobstructed view of an object, feature, or landscape from a designated vantage point or perspective.

Litter: Any garbage, solid waste, junk, rubbish, refuse, construction debris, demolition debris, and any other waste or materials.

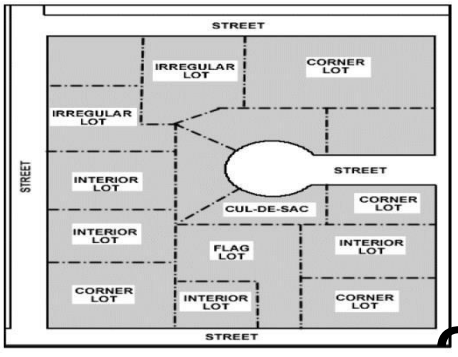
Livestock: Domestic hooved animals kept or raised for use or profit, such as, but not limited to, cattle, horses, sheep, elk, deer, buffalo, goats, or pigs, that are typically kept outside of the home.

Livestock and Poultry – Commercial Use: Commercial breeding, raising, and keeping of farm animals and livestock.

Livestock and Poultry – Personal Use: Personal breeding, raising, and keeping of farm animals and livestock.

Lodging House: (See: Inn)

Lot: A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by an ordinance, and having frontage upon a public street, right-of-way, or private way. ~~A parcel of land created by subdivision processes with close access to public utilities and which meets the minimum standards of the city's ordinances to be occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by an ordinance, and having~~



~~frontage upon a public street, right of way, or approved private way. Such includes corner lots, interior lots, irregular lots, cul de sac lots and flag lots (see Figure 1).~~

Lot Area: The land area enclosed within the ~~legally described boundary lines of the lot or parcel~~boundary lines of the lot, not including the area of any land which is: part of a right-of-way for a thoroughfare or easement, such as but not limited to, surface drainage easements or traveled rights-of-way (but not including any utility easement servicing the lot); or the land below the normal high-water line of a water body; or upland edge of a wetland; or which is a forested or freshwater wetland.

Lot, Buildable Area: The largest, contiguous land area on a lot or parcel that is within required setbacks, not encumbered by construction limiting easements,

Figure 3: Illustration of various lot types

subject to environmental or aquatic regulatory constraints, nor exceeding 30% slopes.

Lot, Corner: A lot with at least two (2) contiguous sides abutting upon a street or right of way.

Lot, Interior: Any lot ~~abutted on each side by another lot~~other than a corner lot.

Lot Lines: The lines bounding a lot as defined below:

Front Lot Line: On an interior lot, the lot line abutting the street or right-of-way; or, on a corner lot each lot line abutting the street or right-of-way; or, on a through lot, the lot line abutting the street providing primary access to the lot; or, on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

Rear Lot Line: The lot line opposite the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension. See Figure 2.

Side Lot Line: Any lot line other than the front lot line or rear lot line.

Lot of Record: A legally created parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file in the Aroostook County Registry of Deeds.

Lot, Shorefront: Any lot or parcel abutting a body of water ~~or watercourse which is protected under state shoreland regulations.~~.

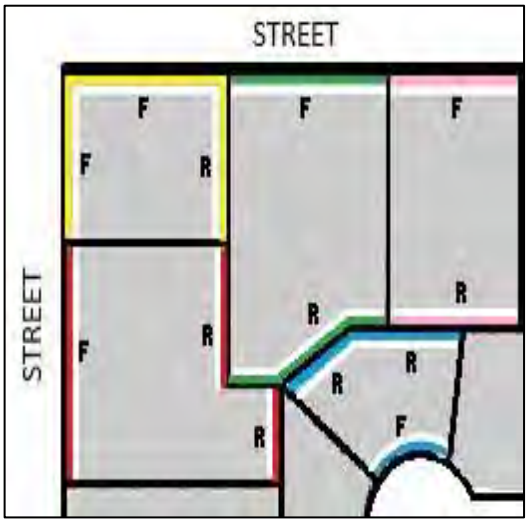


Figure 4: Illustration of relative front and rear lot lines for different lot types.

Lot, Through: Any interior lot having frontages on two (2) or more parallel roads or rights of way, or lying between a road and a body of water, or a right of way and a body of water, or between two (2) bodies of water, as distinguished from a corner lot. All sides of through lots adjacent to roads, rights-of-way, and bodies of water shall be considered frontage, and front yards shall be provided as required.

Manufacturing: The mechanical or chemical transformation of material or substance into new products, either finished or semi-finished for use as raw material in another process, and including the assembling of component parts, the manufacturing of products, and the blending of materials. The term also includes repair services, exclusive of motor vehicles, where such services are performed in a facility larger than a Tradesman's Shop, as defined within this Section.

Manufacturing – Heavy: A Manufacturing facility that has the potential to produce noise, dust, glare, odors, or vibration beyond its property line. Manufacturing-Heavy includes but is not limited to: (a) processing and packaging facilities; (b) chemical manufacturing; (c) stonework or concrete product manufacturing; (d) fabrication of metal products; (e) manufacturing of agricultural, construction, or mining machinery; (f) motor vehicle manufacturing; (g) lumber milling; (h) ship or boat construction (i) permanent concrete/batch plant. Manufacturing - Heavy does not include Agricultural Processing and Agricultural Storage operations.

Manufacturing – Light: A Manufacturing facility engaged in the Manufacturing of finished products or parts, predominately from previously prepared materials. Manufacturing - Light includes processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building and the noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the associated Building.

Marijuana: The dried leaves and flowering tops of the pistillate hemp plant that yield THC (tetrahydrocannabinol) and as defined within Title 17-A M.R. S. A. Section 1101 (1).

Marijuana - Cardholder**:** An individual who has been issued and possesses a valid registry identification card.

Marijuana – Caregiver: Marijuana – Caregiver shall have the same meaning as provided for Caregivers, Primary Caregiver or Registered Caregivers as defined by the State of Maine under Title 22 MRSA.

Marijuana - Caregiver Retail Store: A store that has attributes generally associated with Retail Business, including, but not limited to, a fixed location, a sign, regular business hours, accessibility to the public and sales of goods or services directly to a consumer, but is used specifically and distinctly by a State of Maine registered caregiver to offer marijuana plants or harvested marijuana for sale to qualifying patients. See Marijuana – Dispensary.

Marijuana - Enclosed, Locked Facility: A closet, room, greenhouse, or other enclosed area equipped with locks and other security devices required by the State and this Ordinance, and that permits access only by a cardholder or qualified person employed by the related Marijuana - Registered Nonprofit Dispensary.

Marijuana – Manufacturing Facility: A facility or a Person authorized to engage in marijuana extraction as provided in State of Maine regulations.

Marijuana - Medical use: The acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition as provided in State of Maine regulations.

Marijuana - Dispensary**:** An entity registered under Title 22 MRSA §2428 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, or dispenses marijuana plants or harvested marijuana or related supplies and educational materials to qualifying patients and the caregivers of those patients. For City site development purposes, Marijuana – Registered Nonprofit Dispensary includes Marijuana – Caregiver Retail Stores, however, the city does not presume a State of Maine issued license as a medical marijuana dispensary is the same as a caregiver license under Title 22 MRSA.

Marijuana - Registered Cultivation Facility: A Building, Structure, or parcel of land that is used for the cultivation of Marijuana, whether part of a Marijuana - Dispensary or at an associated offsite location. Marijuana – Registered Cultivation Facilities must meet all State of Maine requirements pursuant to the licensing of a Dispensary.

Marijuana - Usable: The dried leaves and flowers of the marijuana plant, and any mixture or preparation of those dried leaves and flowers. Marijuana - Usable does not include the seeds, stalks, and roots of the plant nor any other ingredients that are added to Marijuana for the purpose of making a Marijuana related edible product.

Masonry-Type Skirting: Concrete, concrete blocks, brick, stone, or similar materials which are arranged to resemble a foundation but provide minimal structural support.

Microbrewery: A limited production brewery typically producing specialty beers and often selling its products only locally or regionally.

Mineral Exploration: The hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land, and which include reasonable measures to restore the land to its original condition. Mineral exploration shall not include testing for a quarry.

Mineral Extraction and Storage: Any operation which removes soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to store or transport the product removed, away from the extraction site. Mineral extraction shall not include the term quarry.

Mitigation Area: Property, to include wetlands and uplands, used or reserved for the purpose of avoiding, minimizing, rectifying, reducing over time, or compensating for unavoidable environmental impacts or offsetting environmental losses arising from development of the same or another parcel of property.

Mobile Food Vendor: A mobile vehicle, (e.g., pushcart, van, truck, car, trailer, or other mobile device, structure, or apparatus) that is designed and constructed to transport, prepare, sell, and/or serve food, and capable of being moved from a given site at any time.

Mobile Home: A factory-built single-family structure, which is manufactured or constructed after June 15, 1976 under authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards. A Mobile Home is

transportable in one or more sections; is built on a permanent chassis or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or

axles; is designed to be used as a Dwelling when connected to the required utilities, with or without a permanent foundation; includes plumbing, heating, air-conditioning and electrical systems.

Mobile Home - Compliant: A Mobile Home certified by the manufacturer to be constructed in compliance with 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards or otherwise passing professional inspections for compliance with associated plumbing, heating, air-conditioning and electrical codes.

Mobile Home – Non-compliant: A mobile home unit designed for occupancy and constructed before June 15, 1976, or which is not in compliance with 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards nor applicable plumbing, heating, air-conditioning and electrical codes.

Mobile Home Park: A plot of land that is designed and/or used to accommodate two (2) or more Mobile Homes.

Mobile Home Park Lot: The area of land on which an individual Mobile Home is situated within a Mobile Home Park and that is reserved for use of the occupants of that Mobile Home.

Modular Homes: A Dwelling that the manufacturer certifies is constructed in compliance with Title 10, chapter 951, §9001 et seq., and rules adopted under that chapter. Modular Homes are Structures that are not constructed on a permanent chassis but are designed to be placed on permanent foundations. Modular Homes are transportable in one or more sections and are designed to be used as Dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained in the unit.

Motel: A building or group of Buildings, within which a business provides lodging to the general public for compensation, and in which ingress and egress to and from the rooms are made directly from the outside of the building. Motels also are referred to as tourist cabins or a tourist court. Any transient accommodation that does not meet the definition of Bed and Breakfast, Hotel, Inn, or Vacation Rental is considered a Motel for the purposes of this Ordinance.

Motorized Vehicle: Any mechanically or electrically powered device, not operated on rails, upon which or by which a person or property may be transported on the land or water.
Motorized Vehicle includes but is not limited to automobile, bus, semi-trailer, tractor, truck, van, motorcycle, snowmobile, boat or other engine powered water craft, and moped.

Museum: A Building having public significance by reason of its architecture or former use or occupancy, or a Building serving as a repository for a collection of natural, scientific, or literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be used by members of the public for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

Neighborhood Convenience Store: A Retail Business that is less than 1,500 square feet of floor space and is intended to service the convenience of a residential neighborhood, with a limited line of groceries, sundries, and household items. Neighborhood Convenience Store may include automotive fueling islands but does not provide services of an Automobile (Vehicle) Repair Garage or Automobile (Vehicle) Service Station.

Net Acreage: The total acreage of a tract or lot available for development as shown on a proposed plan, minus the area for roads or access and the areas which are unsuitable or unusable for development due to restrictions or topography and environmental constraints.

Net Density: The number of dwelling units per net acreage.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of an ordinance.

Newspaper or Printing Plant: A business engaged in the printing of books, magazines, newspapers, tabloids, periodcals, pamphlets or any similar materials.

Nightclub: An Establishment primarily for the sale or dispensing of liquor by the drink that also offers entertainment (see Bar).

Non-Conforming Lot of Record: A legal lot or parcel shown on a plan or deed recorded prior to the effective date of an ordinance or amendment which does not meet the area, frontage, width, or depth requirements of the District in which it is located.

Non-Conforming Structure: A legal structure which does not meet any one or more of the following requirements: setback, height, materials, design, or lot coverage, but which is allowed solely because it was in lawful existence at the time an ordinance or subsequent amendments took effect.

Non-Conforming Use: (see Use, Legal Nonconforming)

Normal High-Water Line of Waters: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: Upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms and maples). In the case of wetlands adjacent to rivers and Great Ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water. In places where the shore or bank is of such character that the high-water line cannot be easily determined (rockslides, ledges, rapidly eroding, or slumping banks) the normal high-water line shall be estimated from places where it can be determined by the above method.

Nursing Home: (See: Health Care Facility - Residential)

100 Year Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Open Space: Land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state or remediated condition.

Ordinance: Any legislative action of the municipality's legislative body that is duly adopted in accordance with the City Charter and has the force of law.

Parabolic Antenna: (also known as a satellite dish antenna) An antenna which is bowl-shaped, designed for the reception and/or transmission of radio signals.

Parcel: (See Tract (Parcel) of Land)

Parking Space: An area on a lot intended for the use of temporary parking of a motorized vehicle.

Parks and Recreation: Non-commercially operated recreation facilities open to the general public including, but not limited to playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such land and facilities, but not including Campgrounds, commercial recreation facilities, Amusement Facilities or Amusement Parks.

Patio: An uncovered floor, usually made of concrete, brick, or other masonry material, which is not elevated above the surface of the ground in any manner.

Permanent Foundation: A permanent foundation means all of the following:

1. A full, poured concrete or masonry foundation,
2. A poured concrete frost wall or a mortared masonry frost wall, with or without a concrete floor,
3. A reinforced, floating concrete pad for which the municipality may require an engineer's certification if it is to be placed on soil with high frost susceptibility,
4. At least 12 inches of compacted gravel,
5. At least 12 inches of crushed stones no larger than one inch in diameter,
6. Any foundation which, pursuant to the building code of the municipality, is permitted for other types of single-family dwellings, and
7. Any foundation, reviewed and approved in writing by the CEO, using advanced technologies.

Permitted (Allowed) Use: A use which is listed as permitted in the various Districts set forth in this ordinance.

Person: An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

Personal Property: Property that is owned, tangible and movable, unlike land and buildings or ownership interests. Personal Property does not include merchandise that was purchased for resale or obtained on consignment.

Personal Service Business: Establishments primarily engaged in providing services (but not goods) other than those provided by Professional (Business) Offices, such as beauty shops, barber shops, shoe repair, photographic studios, fitness studios, advertising, and similar Establishments.

Personal Use: Personal Use is defined by the use of lands, buildings, or structures solely for benefit and enjoyment of an individual or household, the intent and result of which does not include the production of income from the buying and selling of goods and services.

Pet Grooming: Any Establishment where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged.

Pharmacy or Retail Medical Supply Store: A Retail Business substantially devoted only to the sale of pharmaceutical items, supplies, and equipment such as prescription drugs.

Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line or Within a Wetland:

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Planning Board: The Planning Board for the Municipality.

Pond: (See: Water Body)

Poultry: Domestic fowl kept or raised for use or profit, such as but not limited to, ostrich, emu, chickens, ducks, turkeys, geese, pigeons, or pheasant that are typically kept outside of the home.

Porch: A one-story roofed structure attached to a residential building with no floor space above and no more than two sides of the porch enclosed by a vertical wall, window, or screened surface.

Preliminary Subdivision Plan: Drawings and supporting information indicating the proposed layout of a subdivision consistent with the city's preliminary application requirements.

Prime Farmland: Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oil-seed crops, and meets all of the criteria established by the US Department of Agriculture.

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

Principal Use: The main or primary use on any lot or parcel that establishes the basic land use characteristics of the property, as opposed to an accessory use which is wholly incidental or being a minor activity relative to the same premises.

Private Road: A privately owned right-of-way providing access to one or more lots or parcels meeting the municipality's road design and construction standards for a "Private" road.

Professional (Business) Offices: A Business engaged in providing professional services (but not retail sales, Personal Services, or the use of trucks as part of the business operations), such as limited outpatient health care providers (i.e., Health Care Facility – Small), lawyers, accountants, financial advisors, architects, surveyors, psychiatrists, psychologists, counselors, real estate brokers, and insurance brokers.

Public Facility: Any facility, including, but not limited to, buildings, property, recreation areas, and roads, that are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Public Improvements: The designing, furnishing, installing, connecting, and full construction of right-of-way improvements, storm drainage, public utility facilities or other improvements to be dedicated to or accepted as a public facility or on behalf of a public utility provider as required for a development.

Public Parking Facility – Enclosed: Any area for the off street parking or storage of vehicles in enclosed space such as a garage, which may include access drives and vehicle maneuvering areas.

Public Parking Facility – Open: Any area for the off street parking or storage of vehicles in the open air, which may include access drives and vehicle maneuvering areas.

Public Utility: Any person, firm, corporation, municipal department, board, or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation, sanitary sewage disposal, cable, or water to the public.

Public Utility Facility: A communications, electric, gas, cable, water, sewer, or other utility pipe, conduit, transmission line, transformer, reducer, distribution apparatus, or other unoccupied structure necessary for the furnishing of a Public Utility's services.

Quarry: A place where stone is excavated from rock for additional processing or direct sale.

Racetrack - Indoor: A property, primarily indoor, consisting of a paved roadway used primarily for the sport of automobile racing. A racetrack may include seating, concession areas, suites, and parking facilities.

Racetrack – Outdoor: A property, primarily outdoor, consisting of a paved roadway used primarily for the sport of automobile racing. A racetrack may include seating, concession areas, suites, and parking facilities.

Recent Floodplain Soils: (See: Floodplain Soils)

Reconstructed: The rebuilding of a road or structure in such a manner and to such an extent as to substantially replace it or improve its serviceability.

Recording Plan: The final, city approved site plan or subdivision plans to be recorded at the Aroostook County Registry of Deeds.

Recreation: An activity pursued for leisure to refresh the mind or body through forms of play, amusement, or relaxation. Experiences may be active such as boating, fishing, and athletic sporting, or may be passive, such as enjoying scenery or observing wildlife.

Recreational Facility: A place designed, constructed, and maintained or equipped for the conduct of recreational activities.

Recreation – Active: Those recreational pursuits that require physical alteration to the area in which they are performed. Such areas are intensively used and include but are not limited to playgrounds, ball courts, golf courses, and swimming pools.

Recreation – Commercial Use: An indoor or outdoor Recreational Facility that is operated as a business and open to the general public for a fee. This may include golf courses, corn mazes, climbing gyms, laser-tag arenas, roller-rinks, racquet clubs, fitness facilities, etc.

Recreation - Mechanized: Recreation activities that require the use of motors or engines for the operation of equipment or participation in the activity.

Recreation – Open space: Lands that may be improved or set aside, dedicated, designated, or reserved for recreational facilities such as swimming pools, play equipment for children, ball fields, court games, picnic tables, etc. or passive space such as fields, paved trails, plazas, interpretative areas, etc.

Recreation - Passive: Outdoor recreational activities that involve no structural or mechanical components or facilities, or earth moving, such as hiking, fishing, hunting, etc.

Recreational Vehicle (RV): A self-propelled vehicle, or trailer designed to be towed, that is designed for temporary sleeping or living quarters for one or more individuals. RV may include a pick-up coach, travel trailer, camping trailer, dependent RV, self-contained RV, and motor home. To be considered a vehicle and not a structure, the unit must maintain contact with the ground (via tires or jacks) and must be registered with the State of Maine Division of Motor Vehicles.

Recycling Center - Large: A business and related site that operates as a licensed recycling center under the State of Maine, and that gathers, and processes used materials, such as, newspaper, cardboard, magazines, glass, and metal cans. Materials are separated and processed with the aid of motorized equipment such as forklifts, balers, loaders, etc. prior to shipment to others, who will use these materials to manufacture new products. Recycling Center-Large generally operate in commercial buildings with a total floor area greater than three thousand (3,000) square feet.

Recycling Center - Small: A business and related site that operates as a licensed recycling center under the State of Maine, and that gathers, and processes used materials, such as newspaper, cardboard, magazines, glass, and metal cans. Materials are

separated and processed by hand or with limited motorized equipment contact prior to shipment to others who will use these materials to manufacture new products. Recycling Center-Small operate in commercial buildings with a total floor area less than three thousand (3,000) square feet.

Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed at the collection point.

Repair: To take necessary action to fix normal damage or storm damage.

Religious Center: A building or buildings owned or maintained by a religious organization(s) for social, civic, or philanthropic purposes, and in which individuals regularly assemble or frequent for worship or religious instruction with associated clergy. Religious Centers may include seminaries, monasteries, and convents. Temporary tents or temporary structures do not qualify as Religious Centers under this Ordinance.

Renewable Energy Facility: Any facility or installation such as a windmill, hydroelectric unit or solar collecting or concentrating array, that is designed and intended to produce energy from natural forces such as wind, water, sunlight, or geothermal heat, or from the burning of biomass. A Renewable Energy Facility may be a Public Utility Facility, or privately owned and operated.

Research, Testing and Development Facility: A laboratory or other facility for carrying on investigation on the natural, physical, or social sciences, or engineering and development of end products as an extension of such investigation. Research, Testing and Development Facilities do not engage in the manufacture or sale of products, except as incidental to the main purpose of research and investigation.

Residential Use: Any land use that includes a Dwelling Unit as a principal use.

Restaurant: An Establishment where meals are prepared and served to the public for compensation.

Standard Restaurant: A business engaged in the preparation and serving of meals for consumption on the premises, and generally requiring a moderate amount of time (i.e., 10-15 minutes) between the period of ordering and serving of the meal.

Fast-Food Restaurant: A business engaged in the preparation and serving of meals for consumption on or off the premises, normally requiring a short amount of time (i.e., less than 10 minutes) between the placement of an order and the serving of the meal. Fast-Food Restaurants typically serve food in edible or disposable containers.

Drive-In Restaurant: A business engaged in the preparation and serving of meals for consumption on the premises in a Vehicle or off the premises, normally requiring a short amount of time (i.e., less than 10 minutes) between the placement of an order and the serving of the meal. Drive-In Restaurants typically serve food in edible or disposable containers.

Rest Home: (See: Health Care Facility - Residential)

Re-subdivision: The division of an existing subdivision or any change in the Subdivision Plan for an approved subdivision that affects the lot lines, including land transactions by the subdivider not indicated on the approved Subdivision Plan.

Retail Business: An Establishment engaged in the sale, rental, or lease of goods, commodities, or services to the end consumers for direct use or consumption and not for resale. Retail Businesses can be operated for profit or not-for-profit. Retail Business specifically excludes Marijuana-Caregiver Retail Store and Warehouse – Retail, which are defined and regulated separately.

Retail Business with Outdoor Sales or Service: A business engaged in retail sales of goods, food, or other related services where a portion of the product(s) sold is stored and/or sold on the exterior of commercial buildings.

Retreat Center: A Facility that is used for professional, educational, or religious conclaves, meetings, conferences, or seminars and which may provide meals, housing, and recreation for participants during the period of the retreat or program only. Retreat Centers are not utilized by the general public for meals or overnight accommodations. Housing for participants may be in lodges, dormitories, sleeping cabins (with or without baths), or in such other temporary quarters as may be approved. Kitchen and dining facilities typically are in a single, centrally located building or buildings.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electrical transmission line, oil or gas pipeline, water main, sanitary sewer main, stormwater main, shade trees, or other auxiliary uses, either public

or private, on which an irrevocable right-of-passage has been recorded for the use.

River: A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

Riverine: Means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Road: A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles, consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles. This includes the full width of associated right-of-way not just the paved area intended for vehicular travel.

Rubbish Hauler – Commercial: Any Person engaged in the collection and transportation of solid waste for a fee or other compensation

Runway Protection Zone: A trapezoidal-shaped area centered about the extended runway center line at either end of the runway and beginning beyond the end of the area usable for the takeoff and landing of aircraft where, due to the higher potential for the occurrence of aircraft accidents, land use is necessarily restricted.

Safe Children Zone: Means on or within 1,000 feet of the real property comprising a public or private elementary or secondary school or on or within 1,000 feet of the real property comprising a day care center licensed pursuant to Title 22, section 8301-A.

Satellite Receiving Dishes: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly refereed to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

Sawmill – Commercial Use: Commercial facility or operation dedicated to storing, sawing, planning, or processing logs and raw timber into lumber and other wood products.

Sawmill – Private Use: Facility used to process logs into lumber primarily for the property owner's personal or domestic use. Typically as an accessory use or home occupation.

Schools:

Public and Private - including Parochial School: An institution for education or instruction where any branch or branches of knowledge is imparted and which satisfied either of the following requirements:

a. The school is not operated for a profit or a gainful business; or
b. The school teaches courses of study which are sufficient to qualify attendance there as in compliance with State compulsory education requirements.

Commercial School: An institutions which is commercial or profit-oriented. Examples thereof are dancing, music, riding, correspondence, aquatic schools, driving or business.

Seasonal Dwelling: A dwelling unit lived in for periods aggregating less than seven (7) months of the year and is not the principal residence of the owner.

Self-Service Storage Facility: A building or group of buildings in a controlled access and fenced compound that consists of individual, small, self-contained units that are leased or owned for the storage of customer's goods or wares.

Septage Spreading and/or Storage: Spraying, spreading, injection or incorporation fo liquid or semid-solid septic tank waste onto the land surface or into the soil to act as a fertilizer or soil conditioner.

Service Business: (See: Personal Service Business)

Service Drop: Any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. In the case of electric service:

   a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
   b. the total length of the extension is less than one thousand (1,000) feet.

2. In the case of telephone service:

   a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles; or

b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: The horizontal distance from a lot line to the nearest part of a structure, road, parking space, or other regulated object or area.

Setback from Water: The horizontal distance from the normal high water line to the nearest part of a structure.

Shopping Center: Any concentration of two or more retail stores or service establishments under one ownership or management.

Shoreland Zone: The land area located no less than within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; 250 feet of the upland edge of a freshwater wetland; seventy-five (75) feet of the normal high-water line of a stream; or as may be indicated on the official Shoreland Zoning Map.

Sidewalk Vendor: A person who sells food or merchandise from a nonmotorized conveyance such as a pushcart, stand, rack, or wagon, or directly from their person upon a public sidewalk or pedestrian path.

Sight Distance: The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in an ordinance as a reference for unobstructed road visibility.

Sign: A display surface, fabric or device containing organized and related elements (letter, pictures, products, or sculptures) composed to form a single unit, designed to convey any name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public, and which directs attention to a product, place, activity, person, institution, or business. In cases where matter is displayed in a random or unconnected manner without an organized relationship, each such component shall constitute a sign. A sign shall include writing, representation, or other figure of similar character within a building only when illuminated and located in a window. Signs shall include:

Animated: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

Billboard: A sign, structure, or surface which is available for advertising purposes for goods or services rendered off the premises.

Canopy: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.



Figure 5: Example of Canopy Sign

Changeable Copy: A sign or portion thereof on which the message changes more than eight (8) times per day with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. For the purposes of this Ordinance, a sign on which the copy that changes is an electronic or mechanical indication of time or temperature shall be considered a changeable copy sign.

Commemorative: A sign, tablet or plaque commemorating or memorializing a person, event, structure, or site.

Construction: A temporary sign providing information about future deve parties involved in the project.



Flashing: A sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying degrees of light

intensity, shows motion, or creates the illusion of motion or revolves

in a manner to create the illusion of being on or off. Signs which indicate the time temperature shall not be considered flashing signs.

Freestanding: Any sign supported by structures or supports that are placed on, or anchored in, the ground and are independent from any building or other structure. These generally exceed 8 feet in height.

Government: A sign erected and maintained by or on behalf of the Unites States, the state, the county, or the city for the purpose of regulating traffic or for civic purposes.

Holiday Decorations: Temporary signage, in the nature of decoration, clearly customary and commonly associated with federal, state, local, or religious holidays and contains no commercial message.

Figure 6: Example Freestanding Sign

Incidental: A sign pertaining to the safe and efficient movement of pedestrians and vehicular traffic into and out of a building, parking area, and premises.

Illegal: Any sign which does not conform to the regulations of this code as currently adopted or as adopted at the time of construction.

Illuminated: A sign which has characters, letters, figures, designs, or outlines illuminated by electric lighting or luminous tubes as part of the sign construction or display. Illumination may be by direct or indirect lighting.

Marquee:Any sign attached to a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Monument: A sign which does not generally exceed eight feet (8') in height which is vertically self-supported by a fixed permanent form or support(s) in the ground.

Non-Conforming Sign: Any sign that does not conform to the requirements of an ordinance.



Figure 7: Example of a Monument Sign

Official Business Directional Sign (OBDS): A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23 MRSA §1901, et. seq. which points the way to public accommodations and facilities or other commercial facilities.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string usually in series, designed to move in the wind.

Permanent: Any sign which is not temporary by definition. And intended to be displayed for more than sixty (60) consecutive days.

Portable/Temporary Movable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to "A" or "T" frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from a public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.



Figure 8: Example Temporary Signs



Projecting: Any sign affixed or attached to a building or a wall in such a manner that its leading edge extends more than eighteen (18) inches beyond the surface of the building or wall.

Residential: Any sign located in a residential zoning district for residential uses that contains no commercial message except advertising goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements.

Roof: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the roof plane.

Suspended: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Wall: Any sign attached parallel to, but within six (6) inches of, a wall, or erected and confined within limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Figure 9: Example Projecting Sign



Figure 10: Example Wall Sign

Window: Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event , sale, or service, that is placed within 12 inches of the inside of a window or upon the windowpanes, or glass and is visible from the exterior of the window.

Sign Area: The area of a sign that is used for display purposes, excluding the minimum frame and supports and as further detailed in the city sign regulations.

Sign Height: The measurement from the top of the copy area to ground directly under or at the base of the sign unless otherwise defined for freestanding signs along highways in the city sign regulations.

Site Plan: A map or graphics prepared to scale depicting the development of a tract of land for commercial, industrial, multi-family or other mix of uses, including but not limited to the location and relationship of the structures, streets, driveways, recreation areas, parking areas, utilities, landscaping, existing and proposed grading, walkways, and other site development information as related to a proposed development and the city's development requirements. This does not include a subdivision plat or subdivision plans although some of the same information may be required.

Site Plan Review: The process whereby the Planning Board or city staff review the site plans and maps of the developer to assure that they meet the stated purposes and standards of the zoning district, provide for the necessary public facilities, and protect and preserve topographical features and adjacent properties through appropriate siting of structures and landscaping.

Sketch Plan: (See Concept Plan.)

Slope, Steep: Slopes exceeding 30 percent for a distance of 50 feet or more and having a vertical rise of more than four feet.

Slope, Unstable: An area susceptible to a landslide, a mudflow, a rockfall or accelerated creep of slope-forming materials due to soil conditions, slope, vegetative cover, hydrology, or development impacts.

Sludge Spreading and/or Storage: Land application, stockpiling, or temporary containment of semi-solid wastewater or biosolids.

Solar ~~Power Generation Facility~~Array – Commercial Use: A power generation facility utilizing photovoltaic cells and semiconductor devices that convert sunlight into direct current electricity for storage, distribution and/or the beneficial use of more than one end user. (see Renewable Energy Generation)

Solid Waste: Useless, unwanted solid materials with insufficient liquid content to be free flowing. Other common words used for solid waste include trash, rubbish, garbage, junk, and refuse. Solid waste includes refuse-derived fuel, but does not include source separated recyclables / compostables, septic tank sludge, or wastewater treatment sludge.

Soup Kitchen: A Business provides free prepared meals for consumption on site.

Spot Zoning: A change in district boundaries, variances, and other amendments to the zoning code and permitted use and area maps that violate sound planning principles, disregarding the general plan, impacts to the general city and surrounding

properties, and would give privileges not generally extended to property similarly located in the area. Usually, the amount of land involved is small, limited to one or two ownerships, and nestled in areas already developed.

Sporting Camp: Building or group of buildings devoted to providing eating or lodging facilities for a fee to guests seeking outdoor recreation.

Stable - Commercial Use: A series of stables, barns, paddocks, and/or other shelters and exercising facilities in which large or medium farm animals are fed, exercised and/or cared for on a short- or long-term basis for compensation. A Stable – Commercial Use may provide venues for remuneration, hire, sale, boarding, riding, or showing of animals. Stable – Commercial Use does not include Kennels.

Stable – Personal Use: An Accessory Structure that is used to shelter and keep animals by the occupants of the premises, and specifically not for remuneration, hire, or sale.

Stream: A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams or a perennial stream flowing from a freshwater wetland as described by Maine Revised Statutes, Title 38 Chapter 3.

Structure: Anything built for the support, shelter, or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite receiving dishes, but in land areas outside of shoreland areas, signs, sidewalks, patios, driveways, and parking lots are not defined as structures.

Subdivision: Definition provided in M.R.S. Title 30-A, Chapter 187 Section 4401, as amended.

Subdivision Plan: A site development plan of a subdivision or of a land development, including all required supplementary data, showing the proposed public or private streets, open spaces, utilities, and the lot or site layout as a basis for consideration by the city prior to the preparation of a Subdivision plat.

Subdivision Plat: The final map and other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or lot division.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Expansion: Floorspace increase of 25 percent or new materials or processes not normally associated with the existing use. In shoreland areas, if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30 percent or more, during the lifetime of the structure.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored before the damage occurred. For purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or for any alteration of a structure listed on the National Register of Historic Places of a State Inventory of Historical Places.

Substantial Start/Construction: Completion of 30 percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface Wastewater Disposal System: Any system for the disposal of waste or wastewater on or beneath the surface of the earth including, but not limited to treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under Title 38 MRSA §414, any surface wastewater disposal system licensed under Title 38 MRSA §413 Subsection 1-A, or any municipal or quasi-municipal sewer or wastewater treatment system. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in Title 38 MRSA Chapter 13, subchapter 1.

Sustained Slope: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Swimming Pool: An outdoor man-made receptacle or excavation designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing, whether in the ground or above the ground.

Swimming Pool – Commercial/Public: An outdoor man-made receptacle or excavacation designed to hold water to a depth of at least 24 inches for swimming or bathing, whether in the ground or above ground that is open to the public.

Tattoo Parlor/Body-piercing Studio: Any Establishment where tattooing is performed for compensation. Tattooing means a placement in human tissue of any indelible design, letter, scroll, figure, symbol, or other mark placed with the aid of needles or other instruments; or any design, letter, scroll, figure, or symbol done by scarring upon or under the skin.

Tattoo Parlor/Body-piercing Studio: Does not include hair or beauty salons, where permanent makeup may be provided, in accordance with State of Maine regulations.

Telecommunications Facility: Any facility, and its Accessory Uses, related equipment, and Structures, utilized for the broadcast or reception of electro-magnetically transmitted information. A Telecommunications Facility includes, but not limited to, Telecommunications Towers, Co-located systems, enclosures, cabinets, and related storage elements.

Telecommunications, Co-location: The addition of antennae and equipment of a service provider to a separate provider's permitted telecommunications site with limited expansion of the footprint of the permitted site. Co-location facilities are generally encouraged to limit the proliferation of towers and antennae locations around the community.

Telecommunications, Alternative Design: Artificial trees, clock towers, and similar nontraditional structures that are compatible with the existing setting or structures and camouflage or partially conceal the presence of antennas or towers. This includes any antenna or antenna array attached to the alternative design structure.

Telecommunications Tower: Any Structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio, and similar communication purposes. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, antenna tower alternative structures, and the like.

Theater – Live Performance/Movie: An Establishment for the showing of motion pictures or dramatic or musical performances.

Thrift Store: A Retail Business that engages in or specializes in the sale or resale of previously owned goods and merchandise and where at least 25 percent of the total sales floor area is devoted to sale of merchandise donated or principally donated to the Business.

Timber Harvesting: The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery, but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction. Timber Harvesting in the shoreland zone is subject to regulation under M.R.S.A. Title 38 as amended.

Tourist Cabin: (See: Motel)

Tourist Court: (See: Motel)

Tourist House: (See: Inn)

Tract (Parcel) of Land: All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract (parcel) of land unless such road was established by the owner of land on both sides thereof.

Tradesman Shop: An Establishment, whose associated Building area is less than 1200 square feet and that is engaged in providing crafts or skilled trades, such as plumbing, carpentry, or electrical work. Tradesman Shop also includes Establishments engaged in the repair of electrical appliances, watches, jewelry, equipment, furniture, or other goods, where such services are the primary use of the building. The shop may include workspace, storage space, and office space. Tradesman Shops do not engage in the repair or servicing of small engines or motor vehicles, which are regulated separately as Automobile Repair Garages.

Trail: A route or path, other than a roadway, and related facilities, developed and used primarily for recreational or transportation activities, including but not limited to, hiking, walking, cross-country skiing, snowmobiling, ATVing, horseback riding, bicycling, and dogsledding.

Travel Trailer: (See: Recreational Vehicle)

Tributary Stream: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere, nor a lake or great pond and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland. The tributary to a great pond is not considered a tributary to the outlet of that great pond.

Trucking/Distribution Terminal: An Establishment primarily engaged in furnishing trucking or transfer services with or without storage.

Unbuildable Area: Land which is determined to be unusable or not adaptable to the uses prescribed of the land due to the nature and/or characteristic of the land such as slopes over thirty percent (30%), water coverage or shoreland protections, containment within certain types of easements or otherwise unsuitable for development as determined by the community development department. For the purpose of this code, undevelopable land may be included within a development plan but may not be included in the calculation of the buildable area of any primary or accessory structure and must remain in its native state.

Upland Edge: The boundary between upland and wetland.

Usable Open Space: That portion of the common open space which due to its slope, drainage characteristics, and soil conditions can be used for active recreation, horticulture, or agriculture. To be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10 percent.

Use: The way land or a structure is arranged, designed, or intended, or is occupied.

Use, Accessory: A use that is customarily and in fact both incidental and subordinate to the Principal Use area, extent, purpose, and impacts.

Use, Change of: The replacement of an existing use by a new use, or a change in the nature of an existing use which necessitates additional parking, storm drain systems, etc. but not including a change of ownership, tenancy, or management where the previous nature of the use, line of business, or other function is substantially unchanged.

Use, Conditional: A use that, because of special requirements or characteristics, may be allowed in a particular zoning district only after review by the commission and granting of conditional use approval imposing such conditions as necessary to make the use compatible with other uses permitted in the same zone or vicinity. Conditional uses are issued for uses of land and are transferable from one owner of the land to another.

Use, Legal Nonconforming (Grandfathered): Use of buildings, structures, premises, land or parts thereof which is not permitted in the District in which it is situated, or which does not meet the performance standards prescribed for it by an ordinance, but which is allowed to remain solely because it was in lawful existence at the time an ordinance or subsequent amendments took effect.

Use, Mixed: The development of a tract of land or building or structure with two or more different uses such as but not limited to residential, office, retail, public, or entertainment, in a compact urban form.

Use, Permitted: A use permitted in a district without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this ordinance. The term further includes a conditional use, as listed for the district, provided a conditional use permit is obtained.

Use, Principal: The main or primary purpose for which a structure or lot is designed, arranged, or intended or for which it may be used, occupied, or maintained under this zoning bylaw.

Use, Temporary: A use for a maximum of 180 days that does not involve the construction or alteration of any permanent structure and will terminate automatically upon expiration of a fixed time.

Used Merchandise Sale: The outdoor sale of used articles, conducted for more than five (5) consecutive days or for more than two (2) weekends per year, and shall require a Temporary Use permit from the CEO. Used Merchandise Sales includes flea markets and may include Garage or Yard Sales if length of operations meets the specified term lengths.

Vacation Rental: A Dwelling or Dwelling Unit that is available to the general public for compensation and used for transient accommodations for a period of less than 30 consecutive days.

Variance: A relaxation of the development terms of a zoning ordinance as allowed under state and local statute.

Vegetation: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 above ground level.

Vegetative Buffer: A screen of live plant material that is opaque from the ground to a height of at least six feet, intended to exclude visual contact between uses and to create a strong impression of spatial separation during all seasons of the year. At maturity, the screen shall be considered view-obscuring if there are no openings greater than one square foot.

Vested Property Right: The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan or an approved phased development plan for a specified time, regardless of changes in this ordinance.

Veterinary Hospital or Clinic: An Establishment engaged in the diagnosis, care and treatment of ailing or injured animals, which also may include overnight accommodations. The overnight boarding of healthy animals is considered a Stable - Commercial Use, as defined elsewhere in this Ordinance.

Volume of a Structure: The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Waiver: (Not to be confused with "variance" which applies only to the Zoning Ordinance.) A relaxation of the terms of the Subdivision Ordinance or Site Design Review Ordinance; to waive submission of information otherwise required by the Ordinance when that information is not necessary to make a determination that the standards of the Ordinance and the criteria of the Statute are met. The applicant retains the burden of proof that the standards and criteria are met. The CEO and Planning Board have no power to waive any statutory criteria.

Warehousing/Storage: An Establishment engaged in the storage of goods, wares, and merchandise in a warehouse for compensation. Warehousing/Storage is characterized by extensive warehouse floor area, frequent heavy trucking activity, open storage of material, and/or the potential of nuisances, such as dust, noise, and odors. Warehousing/Storage specifically does not engage in manufacturing or production. Also, Warehousing/Storage does not include Self-Service Storage Facilities, which is defined and regulated separately.

Warehouse - Retail: A Retail Business engaged in selling merchandise to both wholesale and retail customers. Warehouse – Retail Buildings have a gross floor area typically exceeding 30,000 square feet.

Wastewater Replacement System: A system intended to replace: (1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or (2.) any existing overboard wastewater discharge.

Wastewater Treatment Plant: A Facility or group of Facilities used for the treatment of wastewater from sewer systems and for the reduction and handling of solids and gases from such wastewaters, whether or not such facility or group of Facilities is licensed by the State of Maine and authorized for discharging into state waters. Wastewater treatment plant specifically excludes any facility or equipment used for pretreatment, treatment, or handling of industrial water, wastewaters, reuse waters, and wastes which are conveyed to a State of Maine licensed Wastewater Treatment Plant.

Water Body: Shall include the following:

Pond or Lake: Any inland impoundment, natural or man-made, which collects and stores surface water.

Stream or River: A free flowing drainage outlet, with a defined channel lacking terrestrial vegetation, and flowing water for more than three (3) months during the year.

Water Crossing: Any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.

Water Treatment Plant: A facility or facilities within a water supply system which can alter the physical, chemical, or bacteriological quality of the water in the system in accordance with State of Maine regulations.

Weeds: All grasses, annual plants, and vegetation. Weeds shall not include cultivated flowers, gardens, trees, or shrubs.

Wetlands Associated with Great Ponds and Rivers: Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high-water line of the great pond or river. Wetlands associated with great ponds or rivers are considered part of that great pond or river.

Wetland: (See: Freshwater Wetland and Forested Wetland)

Wholesale Business/Sales: A Retail Business engaged in selling merchandise at wholesale prices to industry, commercial, institutional, farm, and professional business customer, as well as to other wholesalers. Wholesale Business/Sales dos does not involve sales to the general public.

Wind ~~Energy Conversion System~~Power Tower – Commercial Use: A machine that converts the kinetic energy in the wind into a usable form (commonly known as a wind turbine or windmill) for the beneficial use of more than one end user (see Renewable Energy Generation).

Yard: The area between a structure and the property boundary which has a minimum width or depth established by setback requirements and intended to be an unbuildable area on a lot except for accessory structures, fencing, patios, etc. as allowed under this ordinance.

Yard Sale: All general sales, open to the public, conducted from or on a premise for the purpose of disposing of personal property. Yard sale includes garage sales, porch sales, tag sales, and the like. They shall occur for not more than five (5) consecutive days or for not more than two (2) weekends a year or they shall be considered a "Used Merchandise Sale" as defined in this Section.

Zone or District: A specified portion of the municipality, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of the Zoning Ordinance.

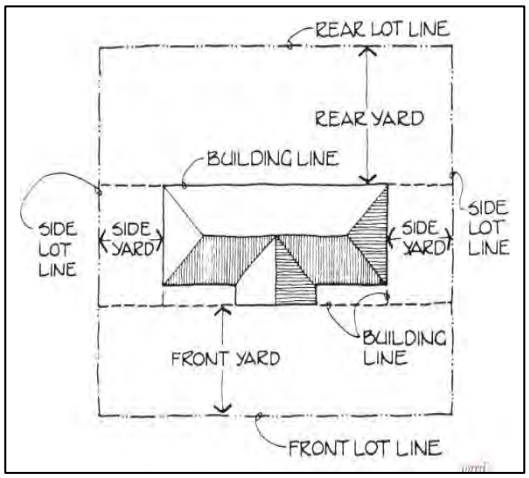


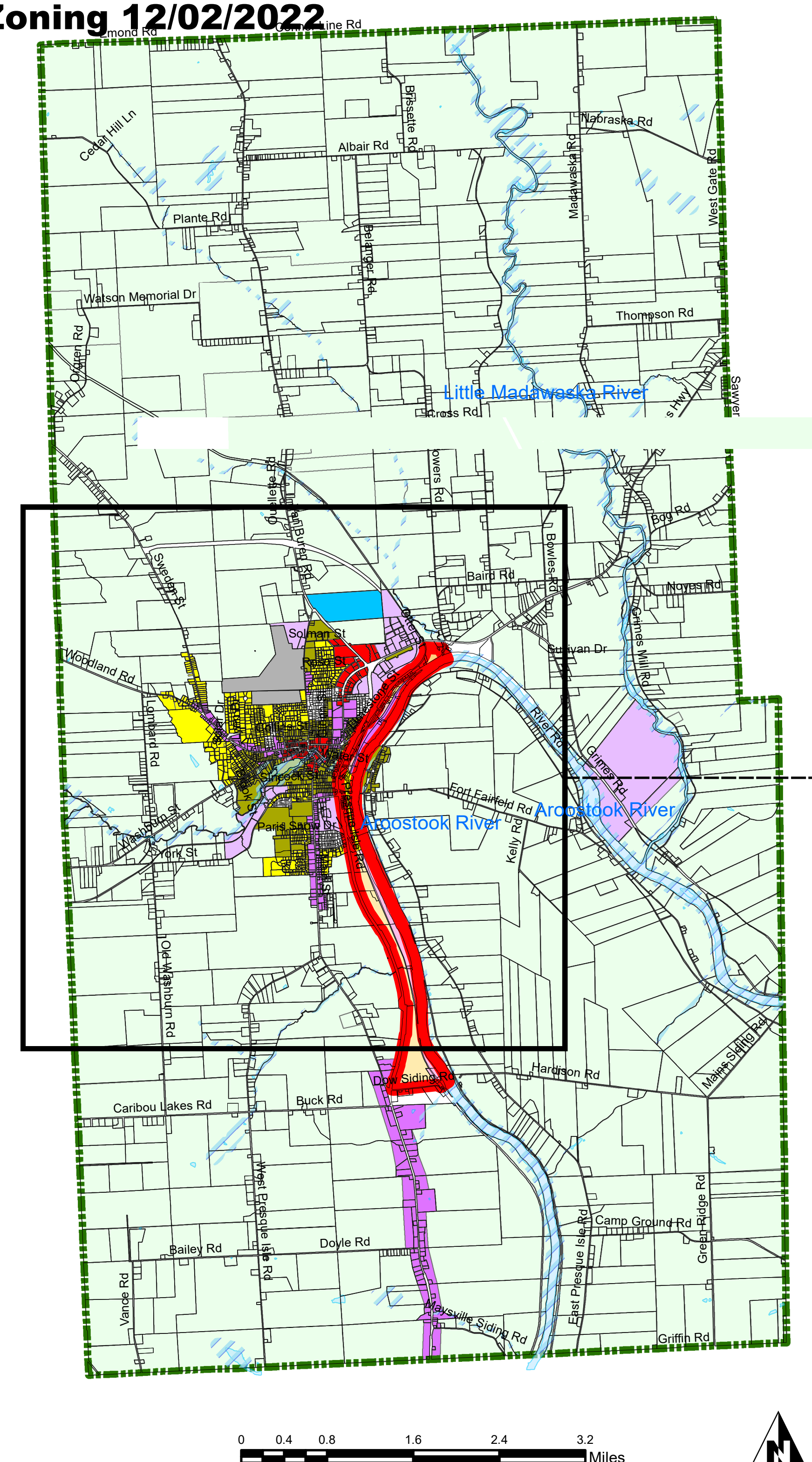
Figure 11: Depiction of typical lot yard areas

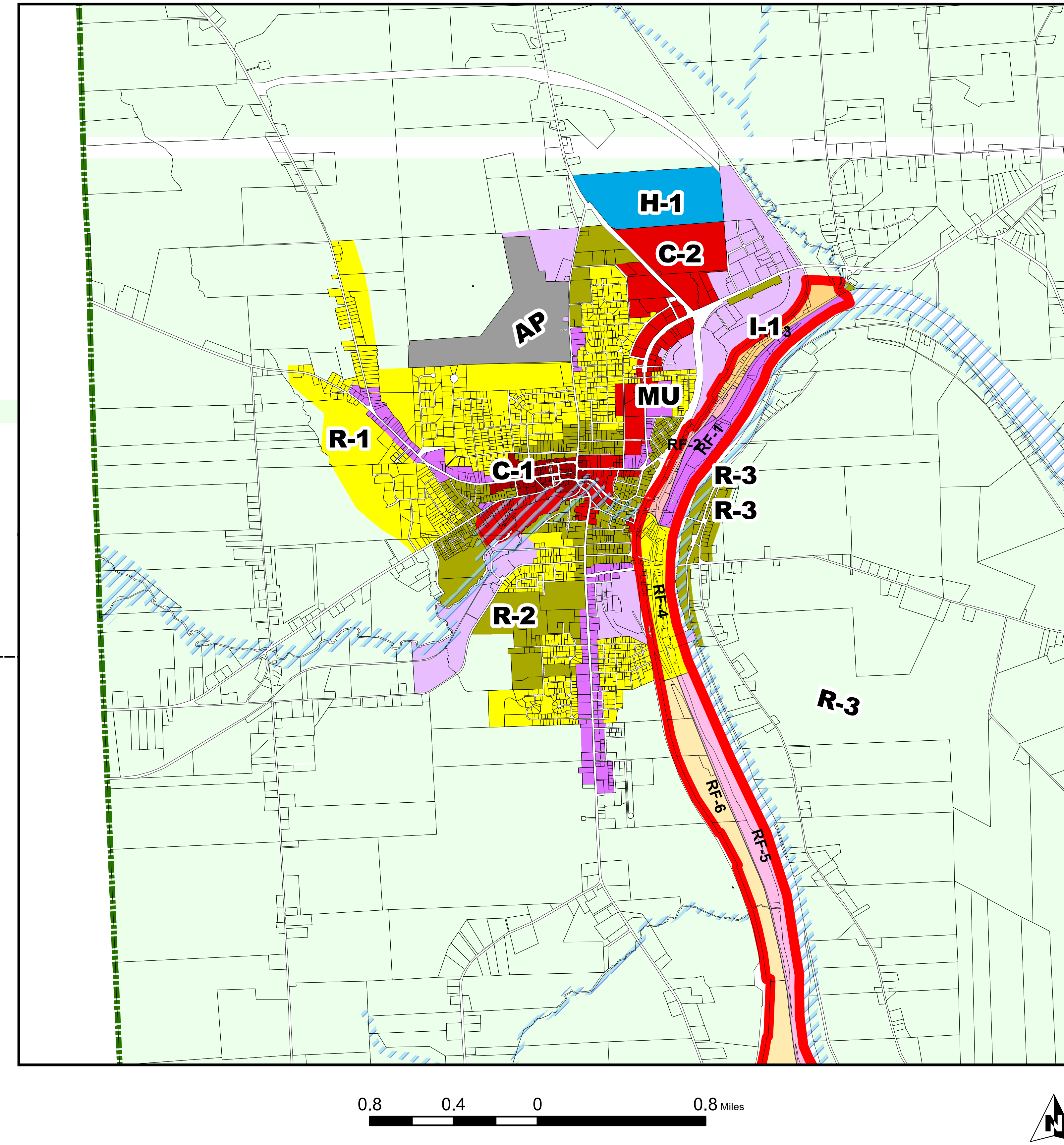
Historical Note: Adopted 7/14/97; Section 13-745 as amended 9/24/98; Sections 13-204 & 13-900 as amended 5/14/01.Section 13-745 was adopted on 8/24/98; Section 13-900 as amended October 25, 2010; Section 13-900 Kennels as amended by the City Council February 13, 2012; Section 13-900 Condominiums added by City Council June 9, 2014.

Historical Note: Sec. 13-900 as amended June 14, 2021.

Attachment 5 - Land Use Table Reviewed in May 2023 & Minutes from Meeting

City of Caribou
Proposed Zoning 12/02/2022





Legend

Caribou2019UpdateFinal

Developmen

RF-1
RF-2
RF-3
RF-4
RF-5
RF-6
TownshipBoundaries
Shoreland Zone

Zoning Districts

Zone

(AP) Airport
(C-1) Downtown Commercial
(C-2) General Commercial
(H-1) Health
(I-1) Light Industry
(R-1) Residential Single Family
(R-2) Residential Mixed Housing
(MU) Mixed Use
(R-3) Rural Mixed Uses
Shoreland Zone

Produced: June 15, 2021, by Caribou Planning and Zoning Administrator
Data: All data derived from Caribou GIS digital maps.
Software: ESRI ArcMap 10.8

This map is for general reference purposes only. No warranty of data or representation of such relative to Real world conditions is given. Any questions or disputes about the information conveyed on this map should To Caribou City Planning and Zoning Administrator Office located at 25 High Street, Caribou, ME 04736.

2021 Map Amendments
By official action of the City, the following changes were made:

Ordinance No. 1, 2021 Series adopted April 20, 2021, effective date May 20, 2021, rezoned approximately 50 acres on Sweden Street from R-1 to R-3

Ordinance No. 12, 2021 Series adopted June 14, 2021, effective date July 14, 2021 rezoned approximately 1.3 acres Evergreen Parkway from I-1 to C-2

This is to certify that this is the Official Zoning Map of the Zoning Ordinance of the City of Caribou, Maine

By: ______________________________ Date: ________
City Clerk, Danielle Brissette

	Dimensional Requirements			Minimum Setback Dimensions			
Zoning District	**Minimum Lot Size**	**Minimum Lot Frontage**	**Maximum Lot Coverage**	**Principal and Accessory Structures**			
				Front (from ROW)	**Side (Each)**	**Rear**	**Maximum Height**
R-1	Single Family Dwelling: 9,000 SF Two Family Dwelling 10,500 SF Other Allowed Use: 12,000 SF	Single Family Dwelling: 85' Two Family Dwelling: 95' Other Allowed Use: 100'	30%	20'	5'	10'	35'
R-2	Single Family Dwelling: 9,000 SF Two Family Dwelling 10,500 SF Multi Family Dwelling: 12,000 SF Plus 1,500 SF for Each Additional Dwelling Unit. Other Allowed Use: 10,500 SF	Single Family Dwelling 75' Two Family Dwelling 85' Multi Family Dwelling 95' Plus 10' for Each Additional Dwelling Unit Other Allowed Use: 85'	30%	20'	5'	10'	35'
MU	43,560 SF	150'		30'	15'	15'	60'
R-3	Single Family Dwelling: 43,560 SF Two Family Dwelling: 65,000 SF Multi Family Dwelling: 87,000 SF Plus 10,000 SF for Each Additional Dwelling Unit Other Allowed Use: 65,000 SF	Single Family Dwelling: 150' Two Family Dwelling: 160' Multi Family Dwelling: 175' Plus 10' for Each Additional Dwelling Unit Other Allowed Use: 160'	30%	30'	15'	15'	35'
C-1			100%	0'	0'	0'	45'
C-2			50%	10'	10'	10'	45'
I-1	43,560 SF	100'	75%	20'	10'	20'	45'
~~**I-2**~~	~~43,560 SF~~	~~100'~~	~~40%~~	~~20'~~	~~10'~~	~~20'~~	~~45'~~
H-1	W/Public Sewer: 9,000 SF WO/Public Sewer: 20,000 SF	75'	40%	40'	10'	20'	0'
AP			75%	10'	10'	10'	45'
RF-1			30%	10'	10'	10'	45'
RF-2	**30,000 SF**		80%	10'	10'	10'	45'
RF-3	**40,000 SF**		70%	10'	10'	10'	45'
RF-4	**43,560 SF**		**80%**	**10'**	10'	10'	45'
RF-5	**43,560 SF**		80%	10'	10'	10'	45'
RF-6	**43,560 SF**		80%	10'	10'	10'	45'

Proposed Land Use Table Clean Copy

Use	Zones														
	R-1	R-2	R-3	MU-1	C-1	C-2	I-1	H-1	A-1	RF-1	RF-2	RF-3	RF-4	RF-5	RF-6
Abattoir	N	N	C	N	N	N	C	N	C	N	N	N	N	N	N
Adult Entertainment	N	N	C	N	N	C	N	N	N	N	N	N	N	N	N
Agricultural Sales and Service	N	N	C	C	C	C	C	N	C	N	N	N	N	C	C
Agricultural Product Processing	N	N	C	N	N	N	C	N	C	N	N	N	N	C	C
Agricultural Product Storage	N	N	P	N	N	N	P	N	C	N	N	N	N	N	C
Agriculture - Commercial Use	N	N	P	N	N	N	N	N	C	N	N	N	N	C	C
Airport	N	N	C	N	N	N	N	N	P	N	N	N	N	N	C
Amphitheater/Concert Venue (outdoor)	N	N	C	C	C	C	N	N	C	C	N	N	C	C	C
Amusement Park	N	N	C	C	N	C	N	N	N	N	N	N	N	C	C
Animal Rescue Group	N	N	C	C	N	C	C	N	N	N	N	N	N	C	C
Animal Shelter	N	N	C	N	N	C	C	N	N	N	N	N	N	C	C
Antique Sales*	C	C	P	C	P	P	C	N	N	C	C	C	C	C	C
Art Gallery or Crafts Studio*	C	C	P	C	P	P	C	N	N	C	C	C	C	C	C
Assembly and Packaging Facility	N	N	C	N	N	C	P	N	C	N	N	N	N	C	C
Assisted Living Facility - Small	N	C	C	C	N	N	N	C	C	N	N	N	N	C	C
Assisted Living Facility - Large	N	C	C	C	N	N	N	C	C	N	N	N	N	C	C
Auction Barn/House	N	C	C	C	C	C	P	N	N	N	C	C	C	C	C
Automobile (Vehicle) Car Wash	N	N	C	C	P	P	P	N	N	N	N	N	N	N	N
Automobile (Vehicle) Charging Station (electrical)	N	N	C	C	P	P	P	P	P	C	C	C	C	C	C
Automobile (Vehicle) Commercial Storage - Indoor	N	N	C	N	N	P	P	N	C	N	N	N	N	C	C
Automobile (Vehicle) Graveyard	N	N	C	N	N	N	C	N	N	N	N	N	N	N	N
Automobile (Vehicle) Recycler	N	N	C	N	N	N	C	N	N	N	N	N	N	N	N
Automobile (Vehicle) Repair Garage*	N	C	C	C	C	C	P	N	N	N	N	N	N	N	C
Automobile (Vehicle) Sales and Service	N	N	C	C	P	P	P	N	N	N	N	N	N	N	C
Automobile (Vehicle) Service Station	N	N	C	C	P	P	P	N	C	N	N	N	N	N	C
Bakery*	C	C	C	C	P	P	C	N	N	N	C	C	C	C	C
Bank or Credit Union	N	N	N	C	P	P	P	N	C	N	C	C	N	N	N
Bar or Pub	N	N	C	C	C	C	N	N	C	C	C	C	C	C	C
Bed and Breakfast	C	P	P	C	P	P	N	N	C	C	C	C	C	C	C
Boarding – Agriculture Animals	N	N	C	N	N	N	N	N	N	N	N	N	N	C	C
Boarding House	N	C	P	C	N	N	N	C	N	N	N	C	C	C	C
Boat Launch Facility	N	N	C	N	N	N	N	N	N	C	N	N	C	C	C
Building Materials - Storage and Sale	N	N	C	C	P	P	P	N	N	N	N	N	N	C	C
Bulk Grain Storage	N	N	C	C	N	N	C	N	N	N	N	N	N	C	C
Bulk Oil and/or Gas Terminal	N	N	C	C	N	N	C	N	C	N	N	N	N	C	C
Business, Medical or Professional Office*	C	C	C	C	P	P	P	P	P	N	C	C	C	N	C
Campground - Youth Camp	N	N	C	C	N	N	N	N	N	N	N	N	N	C	C
Campground or RV Park	N	N	C	C	N	N	N	N	C	C	N	N	N	C	C
Catering Service*	C	C	C	C	P	P	P	C	C	N	C	C	C	C	C
Cemetery	N	C	C	C	N	N	N	N	N	N	N	N	N	N	C
Cemetery - Pet	N	C	C	C	N	N	N	N	N	N	N	N	N	N	C
Club - Fraternal and Service	N	N	C	C	P	P	P	N	C	C	C	C	C	C	C
Cluster Development	N	C	C	C	N	N	N	C	C	C	C	C	C	C	C
Community Center	N	N	C	C	P	P	P	N	N	C	C	C	C	C	C
Community Shelter	C	C	C	C	C	C	N	N	N	N	N	N	N	N	C
Composting - Commercial Use	N	N	C	C	N	N	P	N	N	N	N	N	N	C	C
Composting - Personal Use*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Conference/Convention/Event Center	N	N	C	C	C	C	N	C	C	N	N	N	N	C	C
Confined Animal Feeding Operation	N	N	C	N	N	N	C	N	N	N	N	N	N	C	C
Congregate Housing	N	C	C	C	N	N	N	C	N	N	C	C	C	C	C
Construction Business*	C	C	C	C	P	P	P	N	N	N	C	C	C	C	C
Construction Trailer (temporary)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Use	Zones														
	R-1	R-2	R-3	MU-1	C-1	C-2	I-1	H-1	A-1	RF-1	RF-2	RF-3	RF-4	RF-5	RF-6
Convenience Store	N	C	C	C	P	P	P	N	N	C	C	C	C	C	C
Correction/Detention Facility	N	N	C	C	C	C	C	N	N	N	N	N	N	N	N
Data Center/Processing Facility	N	N	C	C	P	P	P	C	N	N	N	N	N	N	C
Day Care Facility - Adult*	C	C	C	C	P	P	N	P	N	N	C	C	C	C	C
Day Care Facility - Center	N	N	C	C	P	P	N	C	N	N	N	N	N	N	C
Day Care Facility - Family*	C	C	C	C	N	N	N	N	N	N	C	C	C	C	C
Day Care Facility - Group*	C	C	C	C	N	N	N	N	N	N	C	C	C	C	C
Demolition/Waste Disposal Facility	N	N	C	N	N	N	C	N	N	N	N	N	N	N	N
Drive-Up Facility	N	N	C	C	P	P	P	P	N	N	N	N	N	N	C
Dumpster - Roll off	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling - Accessory	C	C	C	C	C	C	C	N	N	N	N	N	N	N	C
Dwelling - Apartment	C	P	P	P	P	P	N	N	N	C	C	C	C	C	C
Dwelling - Condominium/Townhome	C	P	P	P	P	P	N	N	N	C	C	C	C	C	C
Dwelling - Mobile Home	N	N	P	N	N	N	N	N	N	N	N	N	N	N	C
Dwelling - Modular Home	P	P	P	P	N	N	N	N	N	N	N	N	N	N	C
Dwelling - Multi-Family	N	P	P	C	C	C	N	N	C	C	C	C	C	C	C
Dwelling - Single-Family	P	P	P	P	N	N	N	N	N	N	N	N	N	N	C
Dwelling - Tiny Home	C	C	C	C	N	N	N	N	N	N	N	N	N	N	C
Dwelling - Two Family Duplex	C	C	P	C	N	C	N	N	N	N	N	N	N	N	C
Farm Market	N	N	P	P	P	P	P	N	N	C	C	C	C	C	C
Farm Stand*	P	P	P	P	P	P	P	P	N	P	P	P	P	P	P
Farm	N	N	P	N	N	N	N	N	N	N	N	N	N	P	P
Fire, Ambulance or Police Station	N	N	C	C	C	C	C	N	C	N	N	N	N	C	C
Firewood Processing - Commercial Use	N	N	P	C	N	N	P	N	N	N	N	N	N	C	C
Flea Market	N	N	C	C	C	C	C	N	N	N	C	C	C	C	C
Funeral Home	N	N	C	C	C	C	C	N	N	N	N	N	N	C	C
General Store or Grocery Store	N	N	C	C	C	C	N	N	N	C	C	C	C	C	C
Golf Course	N	N	C	C	N	N	N	N	N	N	N	N	N	N	N
Government Facility	N	C	C	C	C	C	C	C	C	N	N	N	N	N	N
Group Home*	C	C	C	C	C	C	N	C	N	N	N	N	N	C	C
Health Care Facility - Large	N	N	C	C	C	p	p	P	N	C	C	C	C	C	C
Health Care Facility - Residential	C	C	C	C	C	C	N	C	N	C	C	C	C	C	C
Health Care Facility - Small	C	C	C	C	C	C	N	P	N	C	C	C	C	C	C
Hotel	N	N	C	C	C	P	N	C	N	C	C	C	C	C	C
Industrial Park or Development	N	N	C	N	N	N	P	N	C	N	N	N	N	N	C
Inn	N	C	C	C	C	C	N	N	N	N	N	C	C	C	C
Junkyard	N	N	C	N	N	N	C	N	N	N	N	N	N	N	N
Kennel - Boarding*	N	N	C	N	N	N	C	N	N	N	N	N	N	N	C
Kennel - Breeding*	N	N	C	N	N	N	C	N	N	N	N	N	N	N	C
Laundry or Dry Cleaning (onsite or offsite)	N	N	C	C	P	P	P	N	N	N	N	N	N	N	C
Library /Museum*	N	N	C	C	P	P	N	C	C	C	C	C	C	C	C
Livestock and Poultry - Commercial Use	N	N	C	N	N	N	N	N	N	N	N	N	N	N	C
Livestock and Poultry - Personal Use	N	N	P	N	N	N	N	N	N	N	N	N	N	N	P
Manufacturing - Heavy	N	N	C	N	N	N	P	N	N	N	N	N	N	N	C
Manufacturing - Light	N	N	C	C	C	C	P	N	C	N	N	N	N	N	C
Registered Medical Cannabis Dispensaries	N	N	C	C	N	N	N	N	N	N	N	N	N	N	N
Microbrewery	N	N	C	C	P	P	P	N	N	C	C	C	C	C	C
Mineral Exploration/Extraction	N	N	C	N	N	N	C	N	N	N	N	N	N	C	C
Mineral Storage	N	N	C	C	N	N	C	N	C	N	N	N	N	C	C
Mobile Food Vendor	C	C	C	C	P	P	P	P	P	C	C	C	C	C	C

Use	Zones														
	R-1	R-2	R-3	MU-1	C-1	C-2	I-1	H-1	A-1	RF-1	RF-2	RF-3	RF-4	RF-5	RF-6
Mobile Home Park	N	N	C	N	N	N	N	N	N	N	N	N	N	N	N
Motel	N	N	C	C	N	C	N	C	C	C	C	C	C	C	C
Newspaper or Printing Plant	N	N	C	C	C	C	P	N	N	N	N	N	N	N	N
Park / Playground	C	C	C	C	C	C	N	C	C	C	C	C	C	C	C
Personal Service Business*	C	C	C	C	P	P	N	N	N	C	C	C	C	C	C
Pet Grooming*	C	C	C	C	P	P	N	N	N	C	C	C	C	C	C
Pharmacy	N	N	C	C	P	P	N	P	N	C	C	C	C	C	C
Professional (Business) Offices*	C	C	C	C	P	P	C	C	C	C	C	C	C	C	C
Public Parking Facility - Enclosed	N	N	N	C	P	P	P	P	P	C	C	C	C	C	C
Public Parking Facility - Open	N	N	C	C	P	P	P	P	P	C	C	C	C	C	C
Public Utility	C	C	C	C	C	C	P	C	C	C	C	C	C	C	C
Quarry	N	N	C	N	N	N	C	N	N	N	N	N	N	N	C
Racetrack - Indoor	N	N	C	C	P	P	P	N	N	N	N	N	N	N	C
Racetrack - Outdoor	N	N	C	N	N	N	C	N	N	N	N	N	N	C	C
Recreation - Commercial	N	N	C	C	P	P	P	N	C	C	C	C	C	C	C
Recreation - Mechanized	N	N	C	C	C	C	C	N	N	C	C	C	C	C	C
Recycling Center - Large	N	N	C	N	P	P	P	N	N	N	N	N	N	N	N
Recycling Center - Small	N	N	C	C	P	P	P	N	N	N	N	N	N	N	C
Recycling Collection Point	N	N	C	C	P	P	P	N	N	N	N	N	N	N	C
Religious Center	C	C	C	C	C	C	C	N	N	C	C	C	C	C	C
Research, Testing and Development Laboratory	N	N	C	C	C	C	C	C	C	C	C	C	C	C	C
Restaurant	N	N	C	C	P	P	C	P	P	C	C	C	C	C	C
Retail Business with Outdoor Sales or Service	N	N	C	C	C	P	P	N	N	C	C	C	C	C	C
Retail Business	N	N	C	C	P	P	P	P	P	C	C	C	C	C	C
Retreat Center	N	N	C	C	P	P	N	C	N	C	C	C	C	C	C
Rubbish Hauler	N	N	C	C	N	N	P	N	N	N	N	N	N	N	C
Sawmill - Commercial Use	N	N	C	N	N	N	P	N	N	N	N	N	N	N	N
Sawmill - Private Use*	N	N	P	N	N	N	P	N	N	N	N	N	N	N	C
School - Public or Private	C	C	C	C	C	C	N	C	C	C	C	C	C	C	C
Self-Service Storage Facility	N	N	C	C	N	C	P	N	C	N	N	N	N	N	N
Septage Spreading and/or Storage	N	N	C	N	N	N	C	N	N	N	N	N	N	N	N
Shopping Center	N	N	C	C	C	C	N	N	N	N	N	N	N	N	C
Sidewalk Vendor	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Sludge Spreading and/or Storage	N	N	C	N	N	N	N	N	N	N	N	N	N	N	N
Solar Array - Commercial Use	N	N	C	N	N	C	P	P	P	N	N	N	N	N	C
Soup Kitchen	N	N	C	C	P	P	N	N	N	N	N	N	N	N	N
Sporting Camp - Commercial Use	N	N	C	N	N	N	N	N	N	C	C	C	C	C	C
Stable - Commercial Use	N	N	C	C	N	N	N	N	N	N	N	N	N	N	C
Swimming Pool - Commercial/Public	N	N	C	C	N	C	N	N	N	C	C	C	C	C	C
Tattoo/Piercing Studio*	C	C	C	C	P	P	N	N	N	C	C	C	C	C	C
Telecommunications Facility - Commercial	C	C	C	C	C	C	P	C	C	C	C	C	C	C	C
Telecommunications Tower/Dish - Commercial	N	N	C	N	C	C	C	C	N	N	N	N	N	N	N
Theater - Live Performance/Movie	N	N	C	C	C	C	N	N	N	C	C	C	C	C	C
Tradesman Shop*	C	C	C	C	P	P	P	N	C	C	C	C	C	C	C
Trucking/Distribution Terminal	N	N	C	N	N	N	C	N	N	N	N	N	N	N	N
Veterinary Hospital or Clinic	N	N	C	C	P	P	N	C	N	C	C	C	C	C	C
Warehouse Storage - Commercial Use	N	N	C	C	N	N	P	N	C	N	N	N	N	N	C
Wind Power Tower - Commercial Use	N	N	C	N	N	N	C	N	N	N	N	N	N	N	N
Structure Accessory to Permitted Use	P	P	P	C	P	P	P	P	P	C	C	C	C	C	C
Temporary Non-Conforming Structure or Use	P	P	P	C	P	P	P	P	P	C	C	C	C	C	C
Use Similar to Permitted Use	P	P	P	C	P	P	P	P	P	C	C	C	C	C	C

Use	Zones														
	R-1	R-2	R-3	MU-1	C-1	C-2	I-1	H-1	A-1	RF-1	RF-2	RF-3	RF-4	RF-5	RF-6
Use Similar to Conditional Use	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
* - indicates suitable use for Home Occupation															
C - Conditional: Requires Planning Board Review/Approval															
P - Permitted: Requires CEO Review/Approval															
N - Not Permitted															

R-1 Residential District.
The R-1 District encompasses most of the older residential neighborhoods and is located within convenient reach of business facilities. The District is expected to contain most of higher density single-family type dwellings likely to be needed by the community. Certain additional uses which meet the requirements of this Ordinance may be permitted which will contribute to balanced neighborhoods and enhance the attractiveness of the community.

R-2 Residential District.
The R-2 District encompasses most of the older residential neighborhoods and is located within convenient reach of business facilities. The R-2 District is expected to contain most of the multi-family or apartment type dwellings likely to be needed by the community. However, in harmony with the established neighborhoods, predominant land use will probably continue to be single-family residence. As in the R-1 District, certain additional uses which meet the requirements of this Ordinance may be permitted, which contribute to balanced neighborhoods and enhance the attractiveness of the community.

R-3 Residential District.
The R-3 District encompasses most of the area outside the urban center and is intended for the kinds of uses which have traditionally predominated in rural New England; forestry and farming, farm residence, and a scattering of varied uses not inconsistent with a generally open, non-intensive pattern of land use. The minimum lot size requirement is high in order to prevent over-development where public sewers are not feasible and where a full range of urban services can not be provided economically.

MU-1 Mixed Use District.
The MU-1 District is intended for residential and commercial uses to which the public requires free and easy access The lot size requirements are larger than other commercial Districts, since the area may not be serviced by public sewer, and the setback requirements are greater, since both uses can be in the same district. Mixed Use Districts are expected to be along major traveled Roads (for example US Route 1, State Highways 89, 161, or 228).

C-1 Commercial District.
The C-1 District is intended primarily for commercial uses to which the public requires easy and frequent access. Centrally located and at the center of the existing downtown business district, the C-1 District is intended to encourage the concentration of commercial development to the mutual advantage of customers and merchants.

C-2 Commercial District.
The C-2 District is intended primarily for commercial uses to which the public requires free and easy access and to provide for a wider range of associated activities in the business community than in the "C-1" District.

I-1 Industrial District.
The 1-1 District is to provide land which is conveniently located to transportation and municipal services and where other conditions are favorable to the development of industry and which at the same time is so located as to prevent undesirable conflict with residential and business uses.

H-1 Hospital District.
The H-1 District is intended primarily for health use or uses compatible with a hospital or health-related purpose. Located in the proximity of the Cary Medical Center, the H-1 District is intended to encourage the concentration of medically related development for efficient land use.

A-1 Airport District.
Located in the proximity of the Caribou Municiple Airport, the A-1 District is intended to encourage the concentration of aviation-related developments and manage appropriate uses of areas surrounding the Airport.

RF-1 Riverfront Development District.
Areas appropriate for active transportation and recreation compatible with shoreland and conservation applications and enhance the attractiveness of the neighborhood in the Riverfront Development District

RF-2 Riverfront Development District.
Primarily for commercial uses to which the public requires free and easy access. This area is centrally located to encourage a concentration of commercial activity to the mutual advantage of the businesses and the customers that patronize those businesses.

RF-3 Riverfront Development District.
Low density single-family dwelling residential development located within convenient reach of business facilities and commercial districts intended to take advantage of the smaller lot sizes available with appropriate road frontage compatible with the Shorefront Development District and to enhance the attractiveness of the neighborhood.

RF-4 Riverfront Development District.
High Density Residential development located within convenient reach of business facilities and commercial districts containing older and historic single-family and multi-family dwellings in the Shorefront Development District intending to retain and enhance the attractiveness of the neighborhood

RF-5 Riverfront Development District.
Areas appropriate for active transportation and recreation compatible with shoreland and conservation applications with enhanced access to the Aroostook River and natural areas in the Riverfront Development District

RF-6 Riverfront Development District.
Areas outside of the urban center of the city suitable for low density single and multi-family dwelling residential development with a mix of agricultural and commercial uses with larger lot sizes compatible with the Shorefront Development District and to enhance the attractiveness of the neighborhood.