CHAPTER 16
CITY OF PRESQUE ISLE

LAND USE AND DEVELOPMENT CODE ORDINANCE

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City Seal

Attest: Kimberly A Finnemore
Kimberly A. Finnemore, City Clerk

LAND USE AND DEVELOPMENT CODE

The following Code has been prepared for the purpose of codifying into a single document the various land use regulations and development review procedures ordinarily distributed among the zoning ordinance, subdivision regulations and street acceptance ordinance. This Code is prepared primarily to serve, once adopted, as a land use code. The text is divided into two articles. The first article consists of the basic content of the zoning ordinance; what uses can go where and related procedures for appeal and routine administration.

The second article deals with performance standards for those uses. It is based uponstandards currently in use in the City, together with new one reflecting both recentlegislation and the need to provide standards where beforehand none existed. This article also sets forth the criteria and procedures for reviewing developmentproposals of all types in the City.

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LAND USE AND DEVELOPMENT CODE

CITY OF PRESQUE ISLE, MAINE

FINAL

1993

DATE OF PASSAGE: December 19, 1979
DATE EFFECTIVE: January 1, 1980

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Revised:
Chapter 1, Section XIII Retail Business Zone
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Chapter 1, Section IX & X Urban Residence – 1 & Urban Residence - 2
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Chapter II, Section VII Site Design St'dards for Watershed Protection
Chapter III, Section V Watershed Protection Development Plan
Approved by the City Council: May 17, 1990

Revised:
Chapter II, Section VI Mobile Home Parks/Seasonal Trailer Parks
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Revised:
Chapter I, Section I (E) Rezoning
Chapter II, Section II (A) (2) Parking Loading & Traffic
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Chapter III, Section III (A) Signs - Residential
Chapter III, Section V (A) Watershed Protection Development Plan
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Revised:
Chapter I, Section V Definitions
Chapter I, Section VIII Suburban Residence Zone
Chapter I, Section IX Urban Residence Zone - 1
Chapter I, Section X Urban Residence Zone - 2
Chapter I, Section XIV Professional Medical Zone
Chapter II, Section II Parking Loading & Traffic
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Chapter I, Section XII (C) (3) Retail Business Zone
Chapter I, Section XIII (C) (3) Business Zone
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Chapter 1, Section IV (B) (2) Appeals – Powers and Duties
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Revised:
Chapter II, Section I Environmental
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Chapter I, Section XVIII (E) (2)	Watershed Protection Business Zone
Chapter II, Section III (B)	Signs - Nonresidential

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Chapter II, Section IV (D)	

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Chapter I, Section V	Definitions
Chapter I, Section XI (C)	Resource Protection Zone
Chapter II, Section I (F)	Environmental – Shoreland Area Protection
Chapter II, Section I	Environmental

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Chapter II, Section I, F Sub-sections 5, 9.A.13	Environmental – Shoreland Area

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Chapter I, Section VII (C) (13)	Agricultural Farming Zone

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Chapter I, Section V	Definitions

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Chapter II, Section III (C) (5)	Signs – Access & Parking Layout
Chapter II, Section III (B)	Signs - Nonresidential

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Chapter II, Section II (2)	Parking, Loading & Traffic
Chapter II, Section V (A-H)	Site Design Standards

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Chapter I, Section XXII	Residential Office Zone

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Chapter I, Section 1 (C)	General – Zoning Maps

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Approved by the City Council: October 21, 2002

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Chapter I, Section III (F) Administration – Certificate of Use
Chapter I, Section III (G) Administration - Fees
Chapter I, Section V Definitions
Chapter I, Section XIV (C) (7) Professional Medical Zone
Chapter II, Section III (C) (2) Signs - General
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Chapter II, Section III (C) (5) Signs - General
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Chapter III, Section III (B) Preliminary Plan - Requirements
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Chapter I, Section XXIII (D) (2) Rural Residential Zone
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Revised:
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Chapter I, Section 1 (C) — General – Zoning Maps
Chapter I, Section XIII (C) (11) — Business Zone – Special Exceptions
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Chapter I, Section XII (B2&3), (D2&3) — Retail Business Zone
Chapter II, Section II (2) & (11) — Parking, Loading & Traffic
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Chapter I, Section 1 (C) — General – Zoning Maps
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Chapter I, Section XXVII — General Development Zone
Chapter II, Section (F) (3) — Environmental – Shoreland Area Protection
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Chapter I, Section XIV — Professional Medical Zone
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Chapter I, Section XV — Industrial Zone
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Chapter II, Section VI — Seasonal Trailer Parks and Campgrounds – Mobile Home Parks - Standards for Mobile Homes
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Chapter I, Section XXII	General Development Zone – GDZ
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Chapter I, Section XVI	Light Industrial Zone – LIZ

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Chapter 1, Section V	Definitions

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Chapter 1 Sections VI-XXIII	Complete Reformatting of Sections into Tables
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Chapter 1, Section VI	Creation of Purpose of Zones
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Chapter 1, Section VIII	Creation of Standards Table for Zones
Chapter 2, Section II	Off-Street Parking Standards
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Chapter 3, Section IV (D) (7)	Final Plan Review

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Chapter 1	Into new Article 1
Chapters 2 & 3	Into new Article 2
Article 1, Section IV (B)	Appeals
Article 1, Section V	Definitions
Article 2, Section VIII	Stormwater & Erosion Sediment Control Standards
Article 2, Section IX	Solid & Hazardous Waste Management Standards
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Article 2, Section XI	Exterior Lighting Standards
Article 2, Section XII	Land Use Standards

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Article 2, Section I, E	Applicability
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Article 2, Section VII	Sidewalk Standards
Article 2 Section XII, K	Employer Sponsored Housing
Article 2, Section XII L	Solar Generation Facility

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Article 1 Section VIII	Standard Table for Zones
Article 2, Section XII L	Solar Generation Facility

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Revised

Article 1 Section VII	Use Table

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ARTICLE 1 ZONING REGULATIONS

SECTION I GENERAL

A. PURPOSE

This Article is designed for all the purposes of zoning embraced in Maine Revised Statutes and has been drafted as an integral part of a Comprehensive Planning process for the City of Presque Isle, Maine, to promote the health, safety and general welfare of its residents. Among other things, it is designed to encourage the most appropriate use of land throughout the City: to promote traffic safety; to provide safety from fire and other elements; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to prevent housing development in unsanitary areas; to provide an adequate street system; to promote the coordinated development of un-built areas; to encourage the formation of community units; to provide an allotment of land area in new developments sufficient for all the requirements of community life; to conserve natural resources; and to provide for adequate public services.

B. ESTABLISHMENT OF ZONES

To implement the provisions of this Article, the City of Presque Isle, is hereby divided into the following classes of zones:

Agricultural/Farming	AFZ
Aircraft Hazard	AHZ
Business	BZ
Downtown Retail Business Zone	DRBZ
General Development Zone	GDZ
Industrial	IZ
Residential Office	ROZ
Retail Business	RBZ
Resource Protection	RPZ
Rural Residential	RRZ
Suburban Commercial	SCZ
Suburban Residence	SRZ
Urban Residence	URZ
Source Water Protection Area	SWPA

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A. ZONING MAPS

The location and boundaries of the above zones are hereby established as shown on a map entitled "Zoning Map of the City of Presque Isle", dated_____, prepared by the Presque Isle Planning Board and kept on file at the Presque Isle Municipal Office, which map with all explanatory matter thereon, shall be deemed to be, and is hereby made part of this Code. When uncertainty exists with respect to zoning boundaries as shown upon the above map, the following shall apply;

1. Unless otherwise indicated, zoning boundary lines are the side lines, plotted at the time of adoption of this Code of street, alleys, parkways, waterways, or rights-of-way of public utilities and railroads or such lines extended.

2. Other zoning boundary lines which are not listed in the preceding paragraph shall be considered as lines paralleling a street and at distances from the center lines of such streets as indicated by the Official Zoning Maps on file in the office of the City Clerk. In the absence of a written dimension, the graphic scale on the official Zoning Maps shall be used.

3. 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 1or 2 above, the Board of Appeals shall interpret the Zoning boundaries.

B.CONFORMITY

1. No building or structure shall be erected, altered, enlarged, rebuilt, moved or used and no premises shall be used unless in conformity with the provisions of this Code except those existing at the time of adoption of this Code which by the provisions of this Article become legally nonconforming.

2. The regulations specified by this Code for each class of district shall be minimum requirements and shall apply uniformly to each class or kind of structure or land.

3. Land within the lines of a street on which a lot abuts shall not be considered as part of such lot for the purposes of meeting the area requirements of this Article, notwithstanding the fact that the fee to such land may be in the owner of such lot.

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

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5. When a lot of record at the time of enactment of this Code is transected by a Zoning District Boundary, the regulations set forth in this Article applying to the larger part by area of such lot may also be deemed to govern in the smaller area beyond such zoning district boundary but only to an extent not more than fifty (50) linear feet in depth beyond said zoning district boundary.

6. In any district, notwithstanding limitations imposed by other sections of this Code, single lots of record at the effective date of adoption or amendment of this Code may be built upon. This provision shall apply even though such lots fail to meet the minimum requirements for area or width, or both, which are applicable in the district, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot shall conform to the regulation for the district in which such lot is located. Variance of yard and other requirements not involving area or width shall be obtained only through action of the Board of Appeals.

C. REZONING

1. The Planning Board may present recommendations to the City Council forrezoning based on conditional or contract zoning or any other type of zoning consistent with the Maine Revised Statutes. For the purposed of this ordinance, "*Conditional zoning*" means the process by which the City Council may rezone property to permit the use of that property subject to conditions not generallyapplicable to other properties similarly zoned. "*Contract zoning*" means the process by which the property owner, in consideration of the rezoning of the owner's property, agrees to the imposition of certain conditions or restrictions not imposed on other similarly zoned properties. All such rezoning shall:

   a) Be consistent with the City's comprehensive plan;

   b) Establish rezoned areas which are consistent with the existing and permitteduses within the original zones; and

   c) Only include conditions and restrictions which relate to the physical development or operation of the property.

   The Planning Board shall conduct a public hearing prior to any property being rezoned under this paragraph. Notice of this hearing shall be posted in City Hall at least 14 days prior to the public hearing and shall be published in a newspaper of general circulation within the City of Presque Isle at least two (2) times, the date of the first publication to be at least seven (7) days prior to the hearing. Noticeshall also be sent to the owners of all property abutting the property to be rezonedat their last known addresses. This notice shall contain a copy of the proposed conditions and restrictions, with a map indicating the property to be rezoned.

D. CONFLICT WITH OTHER ORDINANCES

Wherever the requirements of this Code are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern.

E. SEVERABILITY

In the event that any section, subsection or any portion of this Code shall be declared by any court of competent jurisdiction to be invalid for any reason, such decision shall not be deemed to affect the validity of this Code; to this end, the provisions of this Code are hereby declared to be severable.

F. CHANGES AND AMENDMENTS

No zoning regulations or amendment, thereof, shall be adopted until after the Planning Board of the City of Presque Isle shall have a public hearing thereon at least ten (10) days before it is submitted to the City Council for consideration. Public notice of the hearing shall be made at least ten (10) days prior to such hearing.

G. SCHEDULED MEETINGS

The City of Presque Isle Planning Board must meet regularly at the times and places specified yearly by the Planning Board, by rule, unless there is no business to be brought before the Board.

H. REPEAL OF PRIOR ORDINANCES

All prior Zoning Ordinances, Site Design Review Criteria, Subdivision Rules and Regulations, Mobile Home Park Ordinances, Road Construction Standards and Acceptance Regulations for the City, except for the Shoreland Zoning Ordinance of Presque Isle, are repealed as of the effective date of this Ordinance.

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SECTION II NONCONFORMANCE

1. Any lawful use of buildings, structures, premises, land or parts thereof existing at the effective date of this Code and made nonconforming by the provisions of this Chapter or any amendments thereto may be continued subject to the provisions of this section.
2. If any nonconforming use ceases for any reason for a period of one year or more, any subsequent use shall conform to the provisions of this Code.
3. Whenever a non-conforming use is changed to a permitted use, such use shall not thereafter revert to nonconforming status, notwithstanding any other provisions of this Article.
4. Whenever any changes in the exterior character or appearance of any non-conforming use is proposed, excepting normal maintenance, the Board of Appeals shall review all Applications and may, in its sole discretion, grant permission for such proposed changes.
5. Any residential outbuilding, including attached and detached garages, may be replaced provided:
    a. the new structure has the same use,
    b. the new structure is constructed no closer to the lot lines than the old structure it replaced,
    c. the new structure is started within 60 days from date the old structure is removed.

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SECTION III ADMINISTRATION

A. CODE ENFORCEMENT

It shall be the duty of the Code Enforcement Officer or other person duly authorized by the City Council to enforce the provisions of this Code. If the Code Enforcement Officer shall find that any of the provisions of this Code are being violated, he/she shall notify by certified mail the owner responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, structures or additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; to insure compliance with or to prevent violation of its provisions. The Code Enforcement Officer shall be appointed or reappointed annually at the first City Council meeting of the new year.

B. LEGAL ACTION AND VIOLATIONS

When any violations of any provisions of this Code shall be found to exist, the City Solicitor, upon notice from the City Manager, is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable that may be appropriate or necessary for the enforcement of the provisions of this Code, including seeking injunctions of violations and the imposition of fines, the same to be brought in the name of the City.

For violations of this Code pertaining to the Shoreland Zone, the municipal officers, or their authorized agent, are authorized by the Maine Department of Environmental Protection, (DEP) under the provisions of the Mandatory Shoreland Zoning Act, to enter into administrative consent agreements for the purpose of eliminating violations of this Code 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 found by the Zoning Board of Appeals 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.

C. FINES

Any person, firm or corporation, as owner of, or having control of any building, or premises, who violates any of the provisions hereof, or fails to obtain any required licenses, shall, by having committed a violation of this Code and upon conviction be deemed guilty of a civil violation, and shall be subject to penalties in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452.

D. BUILDING PERMIT

No building or other structure shall be erected, moved, added to, altered, demolished, or site developed, nor shall a discontinued nonconforming use be renewed, without an appropriate permit therefore, issued by the Code Enforcement Officer in accordance with Section 105 et. Seq. of the International Building Code (IBC) as amended. No building permit shall be issued except in conformity with the provisions of this Code, except after written order from the Board of Appeals. The Code Enforcement Officer shall maintain a public record of all building permits. If the building or part is not substantially completed within two years of the issuing ofthe permit, the permit shall lapse. It may be renewed without charge upon application.

The Code Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals.

No public utility, water district, sanitary district, or any utility company of any kind may 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 Code Enforcement Officer. Following installation of service, the company or district shall forward the written documentation to the Code Enforcement Officer, indicating that the installation has been completed.

The Code Enforcement Officer shall keep a complete record of all essential transactions of the Office related to the Shoreland Zone, 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 biannual basis, a summary of this record shall be submitted to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

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E. APPLICATION

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality.

2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property, then that person shall submit a letter or authorization from the owner or lessee.

3. All applications shall be dated, and the Code Enforcement Officer shall note upon each application the date and time of its receipt.

4. The application shall include such information as lawfully may be required by the Code Enforcement Officer to determine conformance with and provide for the enforcement of this Code.

5. Whenever on-site subsurface disposal is contemplated, the approval of building permit applications shall be subject to evidence of satisfactory subsurface soil conditions for drainage and sewage disposal, and shall be subject to prior obtainment of a plumbing permit. All systems will comply fully with the Maine State Plumbing Code as may be in effect at the time of application.

6. The Code Enforcement Officer shall approve or deny an application for a Building Permit within 14 working days of receiving said application; failure to approve or deny within 14 days shall constitute denial.

7. No building or structure of any kind shall be erected and no alteration of the natural contour of the land by grading or filling for any purpose shall be permitted in an area subject to periodic flooding.

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F. CERTIFICATE OF USE AND OCCUPANCY

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Use and Occupancy has been issued therefore by the Code Enforcement Officer and endorsed to the effect that the proposed use of the building or land conforms with the requirements of this Code, building, plumbing, electrical and safety codes and any and all other applicable codes.

No building permit shall be issued until an application has been made for a Certificate of Use and Occupancy, and the Certificate of Use and Occupancy shall be issued in conformity with the provisions of this Code upon completion of the work.

A temporary Certificate of Use and Occupancy may be issued by the Code Enforcement Officer for a period of six months during construction or alterations for partial occupancy of a building, pending its completion, provided that such temporary certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

The Code Enforcement Officer shall maintain a public record of all Certificates of Use and Occupancy.

Failure to obtain a Certificate of Use and Occupancy shall be a violation of this Code.

G. FEE

Applications for permits to erect, move, add to, alter, or demolish any building or other structure, site development, or to renew a discontinued non-conforming use, and applications for Certificates of Use and Occupancy shall be accompanied by a fee and non-payment penalties, as may be established from time to time by the Presque Isle City Council.

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SECTION IV APPEALS

A. APPOINTMENT AND COMPOSITION

1. The Board of Appeals shall be established by the Presque Isle City Council.

2. The Board shall consist of five (5) members; serving staggered 3-year terms, and two (2) alternate member, serving a one-year term. The Board shall elect annually a chairman from its membership. The Board also shall appoint annually a secretary to prepare an agenda, provide proper public notice of each meeting, and keep the minutes of the proceedings of the Board of Appeals. The minutes shall show the vote of each member upon any matter coming before the Board. All minutes of the Board shall be public record. A quorum shall consist of 3 members. All decisions shall be by majority vote of those present and voting, and shall be in writing setting forth in detail the reasons for approval or denial.

3. Appointed members shall continue to serve at the expiration of their term until either a new member has been appointed, or the expiration of ninety (90) days from the end of the term, whichever occurs first.

4. Elected or appointed members of the municipal government or spouses thereof may not serve as a member.

5. A vacancy shall be deemed to have occurred when a member shall fail to attend four (4) consecutive meetings or fails to attend at least 75% of the regular meetings (unexcused by the Chair) during the preceding twelve (12) month period.

6. All members on the Board shall conform with this ordinance.

7. When a member is unable to participate for any reason, the alternate member shall act in the regular member's stead, but only if the alternate has been present for all prior deliberations, if any, on the appeal under consideration; however, the alternate shall not replace a regular member in the further consideration of any appeal upon which the alternate had voted originally on that appeal. The foregoing shall not prevent the alternate member, while acting in the regular member's stead, from acting on any new matters coming before the Board.

B. POWERS AND DUTIES

Appeals shall lie from the decision of the Code Enforcement Officer to the Board of Appeals and from the Board of Appeals to the Superior Court in accordance with Maine Law.

The Board of Appeals shall have the following powers and duties;

1. ***Administrative Appeals***. To hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by the Code Enforcement Officer in the enforcement of this Code. The action of the Code Enforcement Officer may be modified or reversed by the Board of Appeals, by majority vote.

2. ***Special Exceptions***. The Board of Appeals shall approve, deny, or approve with conditions all applications for special exceptions which are specifically listed as special exceptions. Any person or entity who wishes to obtain a local Building Permit pursuant to Article I, Section III **D** of this Code, for an approved or existing use categorized as a special exception, must obtain a special exception from the Zoning Board of Appeals.

3. The applicant shall have the burden of proving that his/her application is in compliance with the requirements of this ordinance that:

   a. The proposed use is in compliance with state and federal laws.

   b. The proposed use will not create fire safety hazards because it provides adequate access to the site, or to the buildings on the site, for emergency vehicles.

   c. The proposed use will not produce a strong, dazzling light or reflection of that light beyond its lot lines onto neighboring properties, or onto any city way so as to impair the vision of the driver or any vehicle upon that city way.

   d. The provisions for buffers and on site landscaping provide adequate protection to neighboring properties from detrimental features of the development.

   e. The proposed use will not have a significant detrimental effect on the use and peaceful enjoyment of property in the immediate neighborhood as a result of noise, vibrations, fumes, odor, dust or glare.

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f. The proposed use meets the general standards of Article II, **SECTION II PARKING LOADING AND TRAFFIC**

g. The proposed use will not cause regular on-street parking.

h. The proposed use will not have a significant detrimental effect on the value of properties in the immediate neighborhood which could be avoided by reasonable modification of the plan.

i. The design of the site will not result in significant flood hazards or flood damage and is in conformance with applicable flood hazard protection requirements.

j. Adequate provision has been made for disposal of wastewater, sewage, and solid waste and for the prevention of ground and surface water contamination.

k. Adequate provision has been made to control erosion and sedimentation.

l. Adequate provision has been made to handle storm water run-off and other drainage problems on the site.

m. Change in elevations of the site will not cause storm water drainage problems to adjoining property.

n. The proposed water supply will meet the demands of the proposed use and for fire protection purposes.

o. Adequate provision has been made for the transportation, storage and disposal of hazardous substances and materials as defined by state law.

p. The proposed use will not have an adverse impact on significant scenic vistas or on significant wildlife habitat.

q. When located in the Resource Protection Zone, the proposed use meets the standards of Article II in this ordinance.

r. The proposed use will protect, maintain, and, where warranted, improve the water quality of the public water supply.

s. All Special Exceptions shall comply with the Use Standards if applicable in Article 2

4. ***Variance Appeals.*** To authorize upon appeal a variance from the terms of this ordinance, in conformity with 30-A M.R.S.A. § 4353, especially affecting a particular parcel of land or an existing structure thereon, but not affecting generally the zone in which it is located, where a literal enforcement of the provisions of this ordinance would involve undue hardship or practical difficulty, as differentiated by statute, to the appellant, and where desirable relief may be granted without substantial detriment to the neighborhood and provided there is no substantial departure from the intent or purpose of this ordinance. Variances shall be granted only for a use permitted in a particular zone.

   Except as provided in 3-A, 3-B, and 3-C, the Board may grant a variance only where strict application of this ordinance or a provision thereof to the petitioner and his/her property would cause "undue hardship". The term "undue hardship" as used in this subsection means:

   a. The land in question cannot yield a reasonable return unless a variance is granted;

   b. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

   c. The granting of a variance will not alter the essential character of the locality; and

   d. The hardship is not the result of action taken by the applicant or a prior owner.

5. ***Disability Variance:*** The Board may grant a variance to an owner of a dwellingfor 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 tothe time that the person with the disability lives in the dwelling. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap, as defined by state statute and as amended from time to time. For the purposes of this subsection, the term "structures necessary for access to or egress from the dwelling" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

6. ***Set-Back Variance for Single-Family Dwellings:*** The Board may grant a set-back variance for a single-family dwelling only when strict application of this ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

    a. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
    b. The granting of a variance will not alter the essential character of the locality;
    c. The hardship is not the result of action taken by the applicant or a prior owner;
    d. The granting of the variance will not substantially reduce or impair the use of abutting property; and
    e. That the granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

Under this subsection, a variance may be granted only for a single-familydwelling that is the primary year-round residence of the petitioner. A variance under this subsection may not exceed 20% of a setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage. Under this subsection, if the petitioner has obtained the written consent of an affected abutting landowner, the Board mayallow for a variance to exceed 20% of a setback requirement, except for minimum setbacks from a water body or wetland as established in Article II, this Code.

7. ***Variance from Dimensional Standards:*** The Board may grant a variance from dimensional standards of this ordinance when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficultyand when the following conditions exist:

   a. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;
   b. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
   c. The practical difficulty is not the result of action taken by the petitioner or a prior owner;
   d. No other feasible alternative to a variance is available to the petitioner;
   e. The granting of a variance will not unreasonably adversely affect the natural environment; and
   f. The property is not located in whole or in part within shoreland areas, as described by state statute.

   As used in this subsection, "dimensional standards" means and is limited to provisions of this ordinance relating to lot area, lot coverage, frontage, and setback requirements.

   As used in this subsection, "practical difficulty" means that the strict application of this ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the zoning district in which the property is located and results in significant economic injury to the petitioner.

   A variance application also must meet the requirements of a special exception, as described in Article I, **B POWERS AND DUTIES** herein.

   A copy of all variances granted by the Zoning Board of Appeals in shoreland zones shall be submitted to the Maine Department of Environmental Protection within fourteen (14) days of the decision.

8. ***Recording a Variance:*** Variances granted by the Zoning Board of Appeals will receive a certificate from the Code Enforcement Office on which information related to the variance, as determined by state statute and including any conditions imposed by the Board, will be prepared in recordable form. This certificate must be recorded at the Aroostook County Registry of Deeds, Southern Division, Houlton, Maine, within 90 days of the date of final written approval of the variance or the variance is void. The variance is not valid until recorded as described above. The date of the final written approval shall be thedate stated on the written approval.

9. ***Miscellaneous Appeals.*** To hear and decide those appeals specifically mentioned herein:

   a) To consider proposed changes in the exterior or appearance of any nonconforming use, excepting normal maintenance, as described in Article I, **SECTION II NONCONFORMANCE 4** of this Code; and

   b) To permit variations in the Standards contained in Article II, **SECTION II PARKING LOADING AND TRAFFIC** of thisCode.

   Miscellaneous appeals must meet requirements required for a special exception.

10. ***Statement of Findings.*** All decisions of the Board of Appeals under this section shall be accompanied by written statement that set forth with particularity the precise reasons why the findings were made.

C. APPEAL PROCEDURE

1. In all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence his appeal within thirty (30) days after receipt of a written decision from the Code Enforcement Officer by certified mail. The appeal shall be filed with the Code Enforcement Officer on forms to be approved by the Board of Appeals, and the aggrieved person shall specifically set forth on said form the grounds for said appeal.

2. In the case of all appeals, the Code Enforcement Officer shall notify by certified mail the owners of property abutting the property for which an appeal is taken, of the nature of the appeal and of the time and place of the public hearingthereon. Notice of all appeals shall be advertised in the Star Herald at least 10 business days in advance of the hearing.

3. For the purposes of this section, the owner of property shall be considered to be the parties listed by the Assessors of Taxes for the City of Presque Isle as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.

4. Following the filing of an appeal, the Code Enforcement Officer shall notify forthwith the Board of Appeals and the Planning Board, and the appeal shall be in order for hearing at the next meeting of the Board of Appeals following by at least 10 days mailing of notices but within thirty (30) days of the formal appeal.

5. Written notice of the decision of the Board of Appeals shall be sent to the appellant, the Planning Board and the municipal officers within thirty (30) days of the date of the hearing of the appeal.

6. At any hearing, a party may appear by agent or attorney. Hearing shall not be continued to other times except for good cause.

7. The Code Enforcement Officer or his designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.

8. 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 Chairman.

9. A right of appeal under the provisions of this Code secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within six months of the date of which the appeal is granted, and if the work or change is not substantially completed within one year of the date on whichsuch appeal is granted, unless as otherwise provided for in the appeal.

10. If the Board of Appeals shall deny an appeal, a second appeal of a similar nature shall not be brought before the Board within one year from the date of the denial by the Board of the first appeal, unless in the opinion of a majority of the Board, substantial new evidence shall be brought forward, or unless the Board finds, in its sole and exclusive judgment, that an error or mistake of law or misunderstanding of facts shall have been made.

11. The appellant shall pay a fee as determined from time to time by the City Council.

12. Approval of a Special Exception by the Zoning Board of Appeals will be site-specific and nontransferable and shall remain in effect until: (1) it is revoked by the City, for cause; (2) the special exception is not used by the applicant(s) for 180 consecutive days; or (3) the applicant(s) granted approval for the special exception relocates to a different address

SECTION V DEFINITIONS

Except where specifically defined herein, all words used in this Code shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"' the word "shall" is always mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied".

Accessory Dwelling Unit: A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet unless the Technical Building Code and Standards Board, pursuant to IO M.R.S. § 9722, as may be amended, adopts a different minimum standard; if so, that standard applies. An accessory dwelling unit can be no greater than 625 square feet.

Accessory Structure or Building: An uninhabited building at least five feet distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building(s) or to the principal use of the land and which is located on the same lot as the principal building use. Such accessory buildings in residential districts, shall include tool sheds, wood sheds, detached garages, and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district.

Accessory Use: A subordinate use of land or building which is customarily incidental and subordinate to the principal use of the land and which is located on the same lot with the principal building or use.

Adult Daycare Facility: Care, activities, and protection maintained or carried out ona regular basis by a person or a combination of persons in a private dwelling or other facility, for consideration, for any part of a day for three (3) or more adults, 19 years of age or older, who are not blood relatives and who are coming to the facility for the express purpose of participating in this adult daycare facility.

Affordable Housing Development:

- For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and

- For owned housing, a development in which a household whose income does not exceed

  120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

- For purposes of this definition, "majority" means more than half.

- For purposes of this definition, "housing costs" means:
  - For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
  - For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner's insurance, condominium fees, and homeowners' association fees.

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 Code; 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 Non-Commercial Keeping of Livestock, forest management and timber harvesting activities.

Agricultural & Forestry-related Businesses: An establishment or business that engages in the commerce of agricultural or forestry related sales and services.

Agritourism Activity: Means any agricultural activity carried out on a farm or ranch that members of the general public are allowed to view or participate in, including farming, ranching, historical and cultural activities, harvest-your-own activities and attractions related to farming or ranching. An activity is an agritourism activity whether or not the participant pays to view or participate in the activity.

Airport Terminal: structure intended for use or in connection with any public airport, heliport or other location for the landing or taking off of aircrafts

Animal Density: Number of animals allowable for the pasturage, non-commercial keeping of livestock or feedlot purposes, measured in Animal Units per acre.

Animal Unit: An animal unit (AU) is the equivalent of 1,000 lbs. of animal per acre. For smaller species numerous animals can be added up to determine the number of animals allowable under the maximum animal density for a given zone.

Apartment Building: A building arranged, intended, or designed to be occupied by three or more families, each living in an independent dwelling unit.

Area median income: The midpoint of a region's income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.

"Assisted Living" Housing: A form of non-institutional residential housing consisting of private apartments, in which congregate-type services may be made available by the operator to residents for a fee beyond the basic shelter costs. Those medical/mental health services, as appropriate to the needs of the individual resident, shall be provided by persons certified or licensed by the State of Maine.

Attached: Connected by a shared wall to the principal structure.

Automotive Graveyard: A yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles, as defined in Title 29-A, section 101, subsection 42, or parts of the vehicles. "Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations

Automotive Recycler: A facility that processes and recycles automotive vehicles

Aviation-Related Business: An establishment or business that engages in commerce or serving of the aviation industry.

Basal Area: The area of cross-section of a tree stem at DBH (diameter breast height) and inclusive of bark.

Base density: The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in Chapter 5 (Subdivision Ordinance) or the Shoreland Zoning Ordinance, as applicable.

Bed and Breakfast Inn: A building of residential character other than a hotel, motel, or boarding house, which is compatible with the neighborhood, used for, maintained, advertised or held out to the public as a place where sleeping accommodations are furnished to the public for business purposes

Best Management Practices: Procedures designed to minimize the impact of certain activities or land uses on groundwater quality and quantity, and shall include best management practices relating to groundwater quality as developed by the State of Maine Department of Agriculture, Conservation & Forestry pursuant to 38 MRSA Section 410-J.

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.

Building: Any structure having a roof supported by columns of walls, and intended for the shelter, housing, or enclosure of persons, animals or chattel. Each portion of a building, separated from other portions by a firewall, shall be considered as a separate structure.

Business & Professional Offices: An establishment for professional, executive, and administrative offices, including those of accountants, lawyers, architects, engineers, drafting offices, insurance agents, real estate agents, and other occupations which are of similar character to those enumerated, but not including barbers, beauty parlors, cosmetologists, or other service establishments

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.

Centrally managed water system: A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water. This water system may be privately owned

Clear-cut: Any timber harvesting on a forested site greater than 5 acres in size which over a ten-year period results in an average residual basal area of trees over 6 inches in diameter of less than 30 square feet per acre, unless one or both of the following conditions exist:

- If, after harvesting, the average residual basal area of trees over 1 inch in diameter measures at 4.5 feet above the ground is 30 square feet per acre or more, a clear-cut does not occur until the average residual basal area of trees 6 inches or larger measure at 4.5 feet above the ground is less than 10 square feet per acre; or
- After harvesting, the site has a well-distributed stand of trees at least 5 feet in height that meets the regeneration standards applicable under 12 MRSA, C. 805, Section 8869, Subsection 1. (Chapter 4 of Maine Forest Service Rules Chapter 20).

Code Enforcement Officer: A Code Enforcement Officer (CEO) is defined under 30-A MRSA § as a person employed by a municipality to enforce all enabling state laws and local ordinances in the following areas: Shoreland zoning, land use regulations, internal plumbing, subsurface waste water disposal, and building standards.

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, to include rental properties that are not owner occupied.

Community Living Arrangements: A housing facility for 8 or fewer persons with disabilities that is approved, authorized, certified or licensed by the State. A community living arrangement may include a group home, foster home or intermediate care facility. In order to implement the policy of this State that persons with disabilities are not excluded by municipal zoning ordinances from the benefits of normal residential surroundings, a community living arrangement is deemed a single-family use of property for the purposes of zoning.

Community Water System: Community water systems provide water to 25 or more year-round residents and have 15 or more service connections.

Company: Company shall include Limited liability company, Corporations, Partnerships, Limited partnerships, and individual(s).

Comparable sewer system: Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules.*

Congregate Housing: Non-institutional residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired or socially isolated residents; the individuals are unable to live independently yet do not require the constant supervision or intensive health care available at intermediate care or skilled nursing facilities. Congregate housing shall include only those facilities which have been certified by the State of Maine as meeting all certification standards and guidelines for congregate housing facilities, as promulgated by the Department of Human Services pursuant to the provisions of the Maine State Statutes.

Corner Lots: In districts where yards are required:
Such corner lots located at the intersection of two streets, shall be deemed to have a side rather than a rear yard between the principal building and the abutting property on the side street. Such side yard shall not be less than the side yard requirements of useslocated on the side street.

All such side yards described above shall conform with the specific regulations related to yard space and related building height contained in the district provisions of this Code.

Coverage: The percentage of the plot or lot area covered by the impervious area.

Daycare/Home Babysitting Facility: A house or place in which a person or a combination of persons maintain or otherwise carry out a regular program, for consideration, for any part of a day providing care and protection for three (3) or more children under the age of 16.

Density requirements: The maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

Designated growth area: Any area that is designated in the City 's Comprehensive Plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. Designated growth areas may also be referred to as priority development zones or other terms with a similar intent

Development: A change in land use involving alteration of the land, water, vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Diameter Breast Height (DBH): The diameter of a standing tree measured 4.5 feet from ground level.

Dimensional Requirements: Numerical standards relating to spatial relationships including but not limited to set back, lot area, shore frontage and height.

Disability: A 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.

Dog Daycare: A facility that supervise, feed, water, and care for dogs for the day with no overnight stays. Dog Daycares may also offer services in grooming and training for dogs under their care.

Drive-in Theater: An establishment or business on open land that is configured to accommodate patrons remaining in their automobiles for cultural enrichment activities, including cinema and musical performances. This use permits a concession and refreshment stand as an accessory use.

Drive-through Establishment: Under this Code, is an establishment or business whose primary purpose is to produce / sell a tangible commodity with a drive through window feature. This definition shall not include banks which are defined herein.

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Driveway: A vehicular access-way less than five hundred (500) feet in length serving two lots or less.

Duplex: A building that contains not more than two dwelling units each with independent cooking and bathroom facilities.

Dwelling: A building, including mobile homes, designed or used as the living quarters for one or more families. The term shall not be deemed to include motel, rooming house, or trailer.

Dwelling Unit: One or more rooms providing complete independent living for a single family and up to three individuals, including permanent provisions for living; eating; sleeping and sanitation

Employer Sponsored Housing: A use in an accessory structure, or in part of the principal structure, consisting of a series of rooms containing beds, where the occupants do not constitute a family or a single housekeeping unit. It shall be used exclusively for the accommodation of employees that are employed on- or off-site, as long as the off-site employees are employed by the same company, a parent company, or a subsidiary that owns the parcel where the principal structure is located.

Existing dwelling unit: A residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot. If a municipality does not have a permitting process, the dwelling unit on a lot must be in existence at the time construction begins for additional units on a lot.

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 weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

Family: A group of two or more persons related by birth, marriage/domestic partnership, or adoption who cohabitate together.

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.

Forest Products: Logs, pulpwood, veneer, bolt wood, wood chips, stud wood, poles, pilings, biomass fuel wood, fuel wood, or other products commonly known as forest products, but does not include Christmas trees, maple syrup, nursery products used for ornamental purposes, wreaths, bough material, cones, or other seed crops.

Foundation: The supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frost walls.

Freshwater Wetland: Those areas that are inundated by surface of groundwater witha frequency sufficient to support and under normal circumstances does or would supporta prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Front Yard: An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot as it abuts the street.

Funeral Home: A business that offers funeral ceremonies and embalming services

Gasoline Service Station: Any building or location which supplies motor vehicles with gasoline or oils, or provides for motor vehicle repair or maintenance. This does not include those uses which repair or maintain small engines such as lawn movers, chain saws, snowmobiles and the like.

Grandfather Clause – A provision in a statute that exempts an activity or structure from new regulations that would otherwise prevent engagement in the activity or use of that structure.

Great Pond: An 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 Code, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner, other than the City of Presque Isle.

Height of Building: The vertical measurement from average mean grade of the building to the highest point of the roof beams in flat roofs; to the highest point on thedeck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs: or to a level two thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, the level of the eaves shallbe taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves.

Height of a Structure: The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Home Occupation Type A: An occupation operated from a dwelling with no customer traffic or heavy commercial deliveries are allowed on the site.

Home Occupation Type B: An occupation operated from a dwelling with light customer traffic.

Homeless Shelter: Refers to a facility that offers temporary residence for homeless individuals and families in individual dwelling units or a communal setting.

Hospice: Refers to the care given to patients who are terminally ill and approaching the end of life. The service provided under hospice care includes nursing care, social services, physician services, spiritual support and counseling, trained volunteer support, physical occupational and speech therapies, respite care, inpatient care, bereavement, support and home health aides and homemaker services. It basically provides an option for patient's, whose life expectancy is six months or less to live their end days to the fullest, with purpose, dignity, grace and support. Hospice care provides palliative care rather than curative treatments.

Housing: Any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multi-family housing, condominiums, time-share units, and apartments. For purposes of this rule, this does not include dormitories, boarding houses or other similar types of housing units. This also does not include transient housing or short-term rentals, unless these uses are otherwise allowed in local ordinance.

Household Pet: A domesticated animal, such as a dog, cat, bird, rodent (including a rabbit), fish, or turtle, that is traditionally kept in the home for pleasure rather than for commercial purposes. Common household pet does not include reptiles (except turtles). If this definition conflicts with any applicable State or local law or regulation defining the pets that may be owned or kept in dwelling accommodations, the State or local law or regulation shall apply. This definition shall not include animals that are used to assist persons with disabilities.

Hotel: A building in which lodging or boarding and lodging capabilities are provided for more than 20 persons, offered to the public for compensation and in which ingress and egress to and from rooms and made primarily through and inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public on contradistinction to a lodging house or a motel, which are herein separately defined.

Industrial: The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

Junk Yard: A lot or part thereof, exposed to the elements, which is used for the sale or for the storage for sale of secondhand products or materials, or for the storage of any three or more automobiles or trucks which cannot pass the State inspection test in their existing conditions.

Kennel: Kennel shall include both boarding and breeding kennels as defined by Title 7 MRSA Chap. 717 §3907 and as regulated by the State of Maine Department of Agriculture, Food and Rural Resources.

Livestock: Any domestic species of cattle, sheep, swine, goats, llamas, alpacas, horses, or fowl (to include but not limited to chickens, roosters, ducks, geese, Guineafowl and peacocks), which are normally and have historically, been kept and raised on farms. This term also includes animals such as rabbits, mink, and chinchilla, when they are used solely for purposes of meat or fur, and animals such as horses, llamas and alpacas regardless if used or not used for work and/or pack animals.

Lot: A parcel of land in single ownership 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 this Code, and having frontage upon an approved street or private right-of-way.

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.

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

Type A: Those units constructed after June 15, 1976, commonly called "newer mobile homes", which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit;

- This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et seq.;

Type B: Those units commonly called "modular homes", which the manufacturer certifies are constructed in compliance with Maine Title 10, Chapter 957, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellingson foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

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.

Marijuana Business: As defined by Chapter 59A "Adult Use & Medical Marijuana Businesses Ordinances".

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Medium and Large Utility and Community Wind Energy System: A wind energy system, including all equipment, machinery, and structures, that:

a) Is used to convert and then store or transfer energy from the wind into usable forms of energy intended primarily for off-site consumption and may transfer excess energy into the regulated power grid;
b) Has a nameplate capacity of 100 kw or more, as defined by the MPUC; and
c) Has a total height of 120 feet or more.

Minimum Lot Width: The closest distance between the side lot lines of a lot.

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.

Mobile Home Park: A parcel of land under unified ownership approved by the Planning Board for the placement of 3 or more manufactured homes.

Mobile Home Subdivision or Development: A parcel of land approved by the Planning Board for the placement of manufactured houses on individually owned lots.

Multi-Unit Residential: A residential structure containing three (3) or more residential dwelling units.

Motel: A building or group of detached or connected buildings designed or intended or used primarily for the providing of sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one unit or a motor lodge shall be deemed to be a motel.

Municipal and Governmental Uses: Buildings or land used by a local, state or federal political entity. This term does not include school administrative districts which fall under the definition of "School".

Nacelle: The cover of the electrical generator on a tower.

Net Residential Acreage: The gross available acreage less the area required for street or right of ways.

Net Residential Density: Net residential density shall mean the number dwelling units per net residential acre.

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Net Retail/Commercial Acreage: The gross available acreage, less the area required for street or right of way.

Net Retail/Commercial Density: The number of retail/commercial buildings per net retail/commercial acre.

New or Used Vehicle Dealer: As defined by Maine Statute, Title 29-A Chapter 9 §851.

Non-Commercial Keeping of Livestock: Shall mean the keeping of livestock for the non-commercial purpose of food generation (meat, eggs, or milk). This definition does not include therapy, emotional support or service animals with the exception of miniature-horses which are protected by the American Disabilities Act and defined as having a height from 24 inches to 34 inches measured to the shoulders and generally weigh between 70 and 100 pounds.

Non-conforming Lot: A single lot of record which, at the effective date of adoptionor amendment of this Code, does not meet the area, frontage, or width requirements ofthe district in which it is located.

Non-conforming Use: A building, structure or use of land legally existing at the time of enactment of this Code, and which does not conform to the regulations of the districtor zone in which it is situated.

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 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.

Nursing Home: is a place of residence for people who suffer from physical or mental disabilities, and who require constant nursing care to perform their daily living activities such as taking a bath, getting dressed and going to the bathroom. Persons who cannot be cared at home and who do not require a hospitalization is taken to nursing homes. A skilled nursing home even provides physical, occupational, and other rehabilitative therapies following an accident or illness. Nursing home services include services of: nurses, nursing aides and assistants; physical, occupational and speech therapists; and service of social workers and recreational assistants.

Parent Company: A company or entity that owns a controlling or majority interest in one or more smaller companies. A parent company will own or control at least 50% of the equity in another entity to qualify it as that entity's parent company.

Parking Space: A parking space shall mean an area not less than 10 feet wide and 20 feet long for perpendicular and diagonal parking and 9 feet wide and 24 feet long for parallel parking exclusive of drives or aisles leading to streets and usable for the storage or access thereto shall be construed as to be usable for the storage or access thereto shall be construed as to be usable year-round.

Permanent Foundation: Means all of the following:

- full concrete or masonry foundation;
- a poured concrete frost wall or a mortared masonry frost wall with a concrete footing below the frost line, with or without a concrete floor;
- a reinforced, floating concrete pad for which the Code Enforcement Officer may require an engineer's certification if it is to be placed on soil with high frost susceptibility; and
- any foundation which, pursuant to the City's building code, is permitted for other types of single-family dwellings.
- Mobile Home Foundations: (See Article II, **SECTION VI MOBILE HOME PARKS**)

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.

Potable: Safe for drinking as defined by the U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table.

Pre-School: A public or private institution that provides instruction to children whoare 3-5 years of age

Principal Structure: A building or structure other than one which is used for purposes whollyincidental 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.

Public Utility: As defined by statutes.

Rear Yard: An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot as it abuts the street.

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Recent Flood Plain Soils: The following soil series as described and identified by the National Cooperative Soil Survey:

- HaA HADLEY SILT LOAM, LEVEL
- HaB HADLEY SILT LOAM, UNDULATING
- Wn WINOOSKI SILT LOAM

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 motorhome. In order to be considered as a vehicle and not as a structure, the unit must remainwith its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Research & 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. Such a facility does not engage in the manufacture or sale of products, except as incidental to the main purpose of research and investigation.

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. The term shall include mobile homes, but not recreational vehicles.

Residual Basal Area: The sum of the basal area of trees remaining on a harvested site.

Restaurant: An establishment that offers sit down or take-out food service that is cooked on the premise. This definition does not allow for the use of a drive-through window or service.

Rip-rap: 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 flood plain 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.

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Rooming House: Any dwelling in which more than three persons, whether individually or as families are housed for compensation with or without meals. This shall be deemed to include fraternities, sororities and school dormitories.

Rotor Diameter:

a) Horizontal Axis Small Wind Energy Systems: The cross sectional dimension of the circle swept by the rotating blades.
b) Vertical Axis Small Wind Energy Systems: The cross sectional of the circle swept by the furthest outreaching part of the blade.

Sales Establishment: Under this Code, is an establishment or business whose primary purpose is to produce and/or sell a tangible commodity.

School: As defined by Maine state statute

Seasonal Trailer Park: An area occupied or designed to be occupied by trailers for seasonal use only from May through October.

Service Establishment: Under this Code, is a business whose primary purpose is to provide and sell a service or intangible commodity to the end-user rather than goods, but may include the limited sale of goods specifically related to that business.

Setback: The nearest horizontal distance from either the lot line or the normal high water line to the nearest part of a structure, road, parking space or other regulated objector area.

Shore Frontage: The length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

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 one hundred (100) feet, horizontal distance, of the normal high-water line of a stream or tributary stream.

Side Yard: An open unoccupied space on the same lot with the building situated between the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a sideline.

Sign: Any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. The word "sign" does not include the flag, pennant or insignia of any nation, state, city or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

Site Development: Any grubbing of stumps, brush, or rocks; stripping of topsoil; cutting or filling of land; or any combination of the aforementioned measure, whether or not they are intended to be preliminary to development.

Solar Electric Generation Facility: An establishment or business that engages in the commercial electric generation using solar panels to supply Maine's power grid.

Small Wind Energy Systems (SWES): A wind energy system including all equipment, machinery, and structures, that:

a) Is used to convert and then store or transfer energy from the wind into usable forms or energy intended primarily for on-site consumption, but may transfer excess energy into the grid in accordance with applicable state laws and regulations;
b) Has a nameplate capacity of 25 KW or less; and
c) Has a total height of 60 ft. or less

Source Water Protection Area: Defined by 30-A MRSA §2001, sub-§ 20-A.

Special Exception: A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as special exceptions as made in Article I of this Code.

Stream: A perennial 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 waterbody or wetland within a Shoreland Zone.

Street: A way established or maintained under public authority, or a sixty-eight (68) foot wide private way approved by the Planning Board and plotted, dedicated and recorded, or a way shown on a plan of a subdivision duly approved by the Planning Board.

Street Frontage: The width of the lot as it fronts the street.

Structure:

1. 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 dishes.

2. Any production or piece of work, artificially built up or composed of parts and joined together in some definite manner.

Subdivision: As defined by state statutes.

Subsidiary Company: A company of which at least 50% of the equity is controlled by another entity, sometimes referred to as the parent or holding company. This parent company may hold controlling interest over the subsidiary, with the subsidiary being a separate and distinct legal entity.

Subsurface Sewage Disposal System: A collection of 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 or the purpose of disposing of wastes or wastewater on or beneath the surfaceof the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardouswaste as defined in 38 MRSA Chapter 13, Subchapter 1.

Temporary Structure: Any structure usually lacking a permanent foundation, not connected to water and sewer, and that can be readily movable and used or intended to be used for a period not to exceed 180 consecutive days.

Timber Harvesting: The cutting or removal of at least 50 cords, or equivalent, of timber on a contiguous ownership during a calendar year for the primary purpose of selling or processing forest products, 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.

Total Height:

a. Horizontal Axis Small Wind Energy Systems: The vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
b. Vertical Axis Small Wind Energy Systems: The vertical distance from ground level to the highest point of the Small Wind Energy System.

Tower: The monopole (freestanding or guyed) structure that supports a windgenerator.

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 devoidof topsoil containing waterborne deposits on exposed soil, parent material or bedrock,and which flows to a water body or wetland as defined, as depicted on the most recent U.S.G.S. 7.5 minute maps of Presque Isle. This definition does not include the term "stream" as defined elsewhere in this Code.

Transportation Terminal: A facility or premise for the receipt, transfer, short-term storage, or dispatching of goods and/or persons by ground, rail, or air to include train depot, commercial bus depot, commercial vehicle drop and hook yards, commercial vehicle servicing areas, and areas used for extended parking of commercial motor vehicles or trailers other than incidental to a primary business use.

Upland Edge: The boundary between upland and wetland.

Variance: A variance is a relaxation of the terms of this Code where such variance will not be contrary to the public interest and where, a literal enforcement of the Code will result in unnecessary or undue hardship.

Veterinary Hospital: A building used primarily for the treatment, by a veterinarian, of small domestic animals such as dogs, cats, rabbits, and birds or fowl. No long term outdoor boarding of animals is permitted except in the Agricultural Farming & Forestry Zone.

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 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.

Waterbody: Any great pond, river, or stream, as defined herein.

Well: A well is a hole, shaft, casing and/or pipe which has been dug, drilled, and/or placed in-ground for the purposes of extracting or monitoring water.

Wellhead: The wellhead is the specific location of a well.

Wetlands: Those areas that are inundated by surface or groundwater with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

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 to be part of that great pond or river.

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Wetlands Not Associated with Great Ponds and Rivers (Non-Significant): Wetlands less than 10 acres in size, not contiguous with, nor adjacent to a great pond, river or stream, nor within the Shoreland zone of a Waterbody and which are not hydraulically connected to a waterbody.

Wind Turbine: The blades, rotor, and associated mechanical and electrical conversion components mounted on top of the tower.

Yard: An unoccupied space, open to the sky, on the same lot with a building or structure.

SECTION VI PURPOSES OF ZONES

AIRCRAFT HAZARD – AHZ

To protect the airport from adverse developmental effects, and, to prohibit large concentrations of people. To this end no building or premises shall be used and no building or structure shall be erected which is intended in whole or in part for any industry, trade, manufacturing, or commercial purposes or for other than one or more of the following specified purposes.

AGRICULTURAL/FARMING & FORESTRY–AF-FZ

Much of the prevailing character of the City of Presque Isle is rural and is actively being farmed. It is the intent of this Section to protect the natural rural quality, farmland and forested properties from development sprawl by prescribing the most appropriate uses and standards. To provide non-pedestrian-oriented areas adjacent to the developed urban areas of Presque Isle which will sustain both housing and a diversity of other low-density uses that contribute to the City's total employment base, while sustaining services needed by the City's residents and agricultural and forestry-related businesses. Consistent with this stated goal, commercial development shall not exceed the standards allowable herein.

SUBURBAN RESIDENCE–SRZ

To provide areas adjacent to the developed urban areas of Presque Isle for future residential growth consistent with economic utility servicing. To this end, residential development shall not exceed the net residential density allowable herein and may preferably occur in accordance with the provisions of Article II, **SECTION IV RESIDENTIAL DEVELOPMENT STANDARDS** of the Code.

URBAN RESIDENCE

To preserve and/or maintain the physical, aesthetic and social quality of Presque Isle's residential neighborhood areas and, as well as residential character in those area(s) so designated and consistent with this stated goal, to provide therein for the location of a variety of residential uses in accordance with the standards of this Code. To this end, residential development shall not exceed the net residential density allowable herein and may preferably occur in accordance with the provisions of Article II, **SECTION IV RESIDENTIAL DEVELOPMENT STANDARDS**, of this Code.

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RETAIL BUSINESS-RBZ

To provide local sales, services and business space within the City of Presque Isle to serve the daily needs of residents and workforce and visitors both within the immediate area and the broader region.

BUSINESS-BZ

To provide general retail sales, services and business space within the City of Presque Isle in locations capable of conveniently serving community-wide and/or regional trade areas.

INDUSTRIAL - IZ

To provide areas within the City of Presque Isle for manufacturing, processing, treatment, wholesaling and distribution operations, research, and commercial uses to which end all the performance standards set forth in this Code shall apply.

SUBURBAN COMMERCIAL-SCZ

To provide non-pedestrian-oriented areas adjacent to the developed urban areas of Presque Isle which will sustain both housing and a diversity of other low-density uses that contribute to the City's total employment base, while sustaining services needed by the City's residents and businesses. Consistent with this stated goal, commercial development shall not exceed the standards allowable herein.

RESIDENTIAL OFFICE ZONE - ROZ

To provide a transition zone in which residential uses and limited office uses are permitted. This zone recognizes that certain areas of Presque Isle along arterial and collector streets that have been predominately residential in nature are facing increased pressures for commercial development. The purpose of this zone is to provide for a mixture of residential and office uses that will be compatible with the traditional residential character and building design of the area.

RURAL RESIDENTIAL ZONE - RRZ

To maintain safe and healthful conditions, to prevent and control water pollution sources, to preserve the natural qualities and beauty of shore front properties, and to protect the village character from development sprawl and density overload in areas of high residential density that pre-dated the adoption of this Code. To this end, the following shall apply.

SOURCE WATER PROTECTION AREA (SWPA)

To protect the wells used to supply drinking water to the City of Presque Isle, as well as certain other large scale production wells serving private enterprise, from potential contamination sources and land uses which may pose a threat to the quality of the ground water being extracted within the Source Water Protection Area, consistent with **30-A MRSA §2001, sub-§ 20-A,** as amended.

GENERAL DEVELOPMENT ZONE - GDZ

To provide space for commercial and industrial activities, within the City of Presque Isle and the Shoreland Zone of the Presque Isle Stream, in existing locations that are intensively developed. Such area shall not be established or expanded based solely on residential uses.

DOWNTOWN RETAIL BUSINESS ZONE - DRBZ

To restore traditional development potential to Downtown properties having frontage on the City's core pedestrian network by placing 1970's era zoning limitations now known to be in appropriate for the downtown setting, such as excessive parking and setback requirements, with form-based code intended to maximize ground floor potential commercial space, mixed use on upper floors and enhance pedestrian circulation.

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SECTION VII USE TABLE OF ZONES

Below is the established list of **permitted uses (P)** and **special exceptions (ZBA)** for the various zones for the City of Presque Isle. Any use that is **blank** for a zone is considered prohibited within that zone. The City is prohibited from offering substitutions for a use which is prohibited for a particular zone with a similar defining use which is allowed. Additional use standards are in (**BOLD**) and are linked to be cross referenced in Article 2 of this Code.

= SWPA uses are required to follow the U.S. EPA's Source Water Protection Practice Bulletins before obtaining City approval.

Land Use Table													
	AHZ	AFFZ	SRZ	URZ	RBZ	BZ	IZ	SCZ	ROZ	RRZ	GDZ	SWPA*	DRBZ
Uses													
Accessory Dwelling Unit	P	P	P	P	P	P		P	P	P	P	P	
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	P
Adult Daycare Facility	P	P	ZBA	ZBA	P	P		P	P	ZBA	P	P	P
Aged & Congregate Housing			ZBA	ZBA					P				
AGRICULTURE	P	P										P	
Agricultural & Forestry-related Businesses	P	P				P	P	P		ZBA		P	
Agritourism Activity	P	P											
Airport Terminals	P						P						
Apartments				P	P	P			P		P		P
Assisted Living Housing			ZBA						P				
Automotive Graveyards	P	P											

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	AHZ	AFFZ	SRZ	URZ	RBZ	BZ	IZ	SCZ	ROZ	RRZ	GDZ	SWPA*	DRBZ
Automotive Recyclers	P	P											
Aviation-related Business	P						P						
Bank & Financial Institutions					P	P			P				P
BED & BREAKFAST INN	P	P	P	P		P		P	P	P	P	P	P
Business & Professional Office					P	P	P	P	P		P		P
Campgrounds	P	P											
Cemeteries	P	P	P					P					
Commercial Parking Lot or Parking Garage	ZBA				P		P						P
Community Living Arrangements	P	P	P	P	P	P		P	P	P	P	P	
Daycare/Home Babysitting Facility	P	P	ZBA	ZBA	P	P		P	P	ZBA	P	P	P
DOG DAYCARE	P	P				P		P					
Dog Kennel	P	P											
Duplex			P	P	P	P			P		P	P	
Drive-in Theater	P	P											
Drive-Through Establishment					P	P			ZBA				
Employer Sponsored Housing		P	ZBA	ZBA	ZBA	ZBA		ZBA	ZBA				
Funeral Home				ZBA	P	P		P	P		P		

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	AHZ	AFFZ	SRZ	URZ	RBZ	BZ	IZ	SCZ	ROZ	RRZ	GDZ	SWPA*	DRBZ
Gasoline Service Station					ZBA	ZBA		ZBA			ZBA		
Golf Course	P	P										P	
HOME OCCUPATION TYPE A	P	P	P	P	P	P		P	P	P	P	P	P
HOME OCCUPATION TYPE B	ZBA	ZBA	ZBA	ZBA	P	P		ZBA	P		ZBA		ZBA
Homeless Shelter									ZBA				
Hospice			ZBA			P		P	P				
Hospital			ZBA						P				
Hotel						ZBA							ZBA
Kennel	P	P					P						
Manufacturing						P	P						
Manufactured Housing Type A	P	P		P					P				
Manufactured Housing Type B	P	P	P	P		P		P	P	P			P
MINERAL EXPLORATION AND EXTRACTION	ZBA	ZBA											
Mobile Homes Parks				ZBA					ZBA				
Motel					P	P							
Municipal & Governmental Uses	P	P	P	P	P	P	P	P	P	P	P	P	P
New and Used Vehicle Dealer					P	P		P			P		
Non-Commercial Garage or Storage Building	P	P	P	P		P		P	P	P		P	

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	AHZ	AFFZ	SRZ	URZ	RBZ	BZ	IZ	SCZ	ROZ	RRZ	GDZ	SWPA*	DRBZ
NON-COMMERCIAL KEEPING OF LIVESTOCK	P	P	P	P	P	P	P	P	P	P	P	P	
Nursing Homes			ZBA						P				
Overhead Electric Utility Distribution Facilities			ZBA	ZBA			P		ZBA	ZBA			P
Pre-School	P	P	ZBA	ZBA		P		P	P		P	P	ZBA
Place of Assembly	P	P	ZBA	ZBA	P	P		P	P		P		
Private Recreation	P	P	ZBA	ZBA		ZBA		ZBA	ZBA	P			
Public Recreation	P	P	P	P		ZBA		P	P	P			
Public Utility Facilities		P	ZBA	ZBA	ZBA	P	P		ZBA				ZBA
Repair Garage					P	P	P	ZBA					
Research & Development Facilities						P	P		P				
Restaurant					P	P		P			P		P
Rooming House			ZBA	ZBA	ZBA				ZBA		ZBA		
Sales Establishment					P	P	P	P	ZBA		P		
School			P	P					P				
Service Establishment					P	P	P	P	P		P		P
Single-family dwellings	P	P	P	P	P	P		P	P	P	P	P	

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	AHZ	AFFZ	SRZ	URZ	RBZ	BZ	IZ	SCZ	ROZ	RRZ	GDZ	SWPA*	DRBZ
Ski Slopes	P	P											
Solar Electric Generation Facility	P	P					P						
Theater					ZBA	ZBA							P
Transportation Terminal						ZBA	P						
Underground Public Utility Facilities			P	P				P	P	P	P		P
Veterinary Hospital		P				P							
Warehousing						P	P						
WIND ENERGY SYSTEMS (SWES)		P											

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SECTION VIII STANDARD TABLE FOR ZONES

Business & Commerce Zones

	AHZ	AFFZ	RBZ[1]	BZ[1,7]	IZ	SCZ	DRBZ[1, 2, 7]
Front Yard	40 ft	40 ft	30 ft	30 ft	30 ft	30 ft	none
Side & Rear	30 ft	30 ft	10 ft	30 ft	30 ft	30 ft	none
Side & Rear Setback if Abutting Residence Zone	NA	NA	15 ft	40 ft	50 ft	NA	NA
Lot Size	60,000 sq ft	1 Acre	none	none	none	1 Acre	none
Street Frontage	200 ft	200 ft	none	75 ft	none	100 ft	none
Lot Coverage	15%	15%	none	none	none	15%	none
Building Height[3]	35 ft	75 ft	75 ft	75 ft	none	35 ft	75 ft

Residential & Environmental Zones

	ROZ	RRZ	SRZ	URZ	SWPA[4]	GDZ[5]
Front Yard	30 ft	30 ft	30 ft	15 ft	40 ft	*
Side & Rear	10 ft	15 ft	10 ft	10 ft	30 ft	*
Lot Size[6]	7,000 sq ft	1 Acre	10,000 sq ft	7,000 sq ft	1 Acre	*
Business Use Floor Space Limit[6]	3,000 sq ft	2,000 sq ft	2,000 sq ft	2,000 sq ft	2,000 sq ft	none
Min Lot Size per additional dwelling unit	4,000 sq ft	NP	5,000 sq ft	4,000 sq ft	NP	NP
Street Frontage	50 ft	200 ft	75 ft	50 ft	200	*
Lot Coverage	25%	25%	25%	25%	15%	*
Building Height[3]	35 ft	35 ft	35 ft	35 ft	35 ft	*

[1] Setback & density exemption for residential uses shall be the same as for those in the Urban Residential Zone (URZ)
[2] In an effort to preserve store fronts of the downtown retail business area, no residential units shall be constructed, expanded, or added onto the entire first floor and street view of facades.
[3] In no instance shall any structure pierce the imaginary air space surfaces created and accepted by the City in the Current Airport Master Plan
[4] Development is advised to follow the most recent Best Management Practices for Groundwater Protection Publication issued by the State of Maine
[5] Shall meet the shoreline setbacks & other zoning standards for the "General Development I District" by DEP Chapter 1000 Rules. Standards include a reduced setback of 25 feet from the shoreline for principal & accessory structures.
[6] Excluded from this density & space limit requirements include Hospitals, Nursing Homes, Hospice, and Aged, Congregate, & Assisted Living Housing
[7] Setback & density exemption for residential uses shall be 7000 Sq Ft for the first unit and 1000 Sq Ft for additional units when no expansion to the building is proposed.

NP = Not Permitted

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ARTICLE 2 GENERAL STANDARDS OF PERFORMANCE

SECTION I ADMINISTRATION & APPLICABILITY FOR DEVELOPMENT REVIEW

A. PURPOSE

The purpose of this Article of the Land Use and Development Code is to provide uniform procedures and standards for observance by the Planning Board, other Officers of the City, and developers in regulating new development of all kinds in the City of Presque Isle.

B. AUTHORITY

In accordance with the provisions of Maine Revised Statutes, the following regulations governing the development of the City are adopted by the City of Presque Isle.

C. ADMINISTRATION

Article 2 General Standards of Performance shall be administered by the Planning Board & City Staff when reviewing development plans and subdivision applications that meet the applicability as set forth herein.

1. Applications
    a. Applications for Subdivision, Site Plan Review, and Change of Use shall be promulgated by City Staff and may be revised as needed.

    b. When changes are made to the applications, City Staff shall report such changes to the Planning Board

2. Right of Experts
    a. In case of doubt, the Code Enforcement Officer may employ such independent recognized consultant necessary, after prior notification to and at the expense of the applicant, to assure compliance with all requirements of this Code related to the public health, safety and welfare and the abatement of nuisances. The estimated costs of such studies shall be deposited with the City prior to their undertaking.

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D. DEFINITIONS

Except where specifically defined herein or in Article 1, all words used in this Code shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"' the word "shall" is always mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied".

Collector Streets shall mean any street that carries the traffic to and from the major arterial streets to local access streets, or directly to destinations, or to serve local traffic generators.

Co-location Projects: Solar electric generation facilities that are not modified for agricultural activities but either host planting with environmental benefits or are sited on a portion of farmland while retaining other farmland for agriculture uses.

Commercial Development shall mean a change in land use involving alteration of the land, water, vegetation, or the addition, removal or alteration of structures of other construction not naturally occurring on properties that serve as a point of commerce. This definition shall include mixed residential and commercial uses on the same property.

Commercial Use shall mean the use of lands, building, or structures the intent and result of which activity is the production of income from buying and selling of goods and/or services, to include rental properties that are not owner occupied.

Common Space: A space, primarily designed for employees, managed by the employer, the employer's parent company, or a subsidiary company, to include a shared common room, kitchen, employee dining room or some combination of the three, which is made available to all members of an Employer-Sponsored Housing Unit. Each common space shall not be less than 200 square feet of habitable floor area.

Dual Use Projects: A solar electric generation facility that allows for simultaneous agricultural activities on the same parcel

Employee Dining Room: A space, for employees only, managed by the employer, the employer's parent company, or a subsidiary company, where the employee may consume food and beverages provided or purchased off-site by the employee

Habitable Floor Area: The total area of a room as measured from interior wall to interior wall. Common Space, bathrooms, closets, halls, storage or utility space, and similar areas, may not be counted as qualifying for habitable floor area.

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Institutional Development shall mean activities involving but not inclusive to construction, renovation, demolition of structures or improvements on a property that serve a public good. This definition applies for similar activities for non-profit or social clubs or public benefit entities whether on private or publicly owned property.

Impervious Area shall mean an area that is a building, parking lot, roadway or similar constructed area. "Impervious area" does not mean a deck or patio.

Local Residential Street shall mean any street which affords direct access to houses and places of business which do not generate significant amount of traffic. These streets are always to be designed and constructed so as to discourage through traffic of any type

Residential Development shall mean a change in land use involving alteration of the land, water, vegetation, or the addition, removal or alteration of structures of other construction not naturally occurring on properties that serve as residential habitation. This definition shall not include mixed residential and commercial uses on the same property.

Residential Use shall mean the use of lands, building, or structures the intent and result of which activity is the habitation by persons.

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E. APPLICABILITY

1. The following types of development will follow the standards and review processes of Article 2 unless meeting the definition of Final Review by the Development Review Staff in which case internal staff review and building permit review will be administered by the City's Development Review Staff to ensure compliance with all applicable sections of Article 2. If any development prompts two or more triggers in the columns below, the developer shall undergo review by the Planning Board for the entire project.

Final Development & Subdivision Plans Review by the Planning Board

1. Subdivision Applications
   - Subdivision as defined by Maine Statutes to include creation of three or more units
2. Commercial Development
   - All new commercial development or expansion of business footprint that exceeds 1,000 sq. ft of new impervious area, 500 square feet of new floor space
3. Institutional Development
   - All non-profit, governmental or organizational development consisting of 1,000 sq. ft of new impervious area
4. Change of Use
   - All use changes from residential to commercial use
5. Residential Development
   - All residential development of Multi-unit, apartment or major proposed residential development consisting of more than 2 new dwellings regardless of the number of parcels.

Final Plan Review by the Development Review Staff

1. Subdivision Applications
   - Division of land consisting of no development or the triggering of subdivision as provided by State law.
2. Commercial Development
   - All Commercial developments less than Planning Board's Commercial Development Review requirements.
3. Institutional Development
   - New road extensions or utility lines as built by the City entities and public utility entities
4. Change of Use
   - Any use change from commercial to residential
5. Residential Development
   - A single dwelling or duplex on a single lot

2. Revisions to the Approved Site Plans

   Any revisions to an approved site plan that result in the expansion of impervious surface by 500 sq. ft. or an increase in height of 10 ft. from the approved plan shall be subject to Planning Board reapproval. Revisions not meeting the above criteria will be subject to approval from the Code Officer, and where necessary recommended to the Planning Board.

F. REVIEW STANDARDS

Below are the standards for reviewing all Subdivision, Site Plan Development or Change of Use Applications as triggered by **Section I E above**

1. Staff Conference Meeting
   a. Prior to formal application for approval, the developer may appear before the Code Enforcement Officer & City Staff to discuss the proposed development. No binding commitments shall be made between the City and the developer at this conference. At that meeting the developer shall appear with information sufficient to:

      i. Locate the site and identify the zoning classification.

      ii. Describe the site: its area, shape, and existing features, both natural and man- made.

      iii. Describe the general intent of development.

   b. City Staff shall respond generally by indicating to the developer its concerns and by making suggestions as to what may or may not be possible.

2. Preliminary Plan Review

   a. Written application for approval shall be filed with the City's Department of Economic & Community Development, together with the Preliminary Plan, the Monday prior to the next Development Review Staff meeting. To contribute to the costs of administration and inspection, a fee in accordance with the City Council's established fee schedule shall be filed with the application. No fees shall be refundable.

   b. The Preliminary Plan submitted by the developer shall consist of a paper copy and an electronic copy of all materials necessary to provide the following information. Where practical, sheet size of drawings shall be 24" X 36". The developer may request a waiver of requirements not relevant or not of substantial import to his proposal, in which case he shall list them.

   c. Members of the City's Development Review Staff shall consist of the City's Economic & Community Development Director, DECD Support Staff, Code Enforcement Officer, Public Works Director, City Engineer, City Assessor, Fire Chief, Police Chief, Industrial Council Director (If applicable to IZ), & Utility District Superintendent (If applicable Public Sewer/Water Development on site).

i. The Preliminary Plan Review meeting of the Development Review Staff shall take place 4 weeks prior to the next regularly scheduled Planning Board Meeting.

d. Preliminary plan approval requires the consent of each department involved with the review. Modifications to a Preliminary Plan will require approval by the majority of the Development Review Staff

e. Preliminary Plans will include the following information:

i. Names of: Project, Owner, Developer, Surveyor and/or Engineer and/or Architect.

ii. Graphic and written scale, north point and date.

iii. Location within the City, abutting owners, boundaries of tract with accurate distances and bearings.

iv. Zoning District classification, proposed uses, special exceptions and variances required.

v. As applicable: building areas, lot areas and lot coverage ratios: net residential density ratios; street frontages; front, side and rear setbacks; buffer strips; and distances between structures.

vi. Proposed dedications to open space or public use, and proposed restrictivecovenants.

vii. Proposed construction schedule and phasing of improvements.

viii. Identification, approximate dimensions locating and sizing major features of the development as proposed for approval, including as applicable, street, drives, maneuvering space, parking areas, number of spaces, easements and rights-of- way, both within and adjacent to the development; lots or other divisions of land;heights and shapes of existing and proposed structures; and other improvementsand facilities.

ix. Widths and cross sections, including curbs and sidewalks, longitudinal profiles and radii of curves of all existing and proposed streets as prescribed in Article 2, **SECTION V DESIGN STANDARDS FOR PUBLIC ROADS & STREETS** of this Code; sight lines and angles of intersection of traveled ways;directions of traffic flow; means of access for general, service and emergency vehicles.

x. Existing and proposed topography in contours of two-foot intervals with all elevations referred to U.S.G.S. datum, or known bench marks at the discretion of the Board and indicating all grading and filling.

xi. Location and boundaries of soil areas and their names in accordance with the National Cooperative Soil Survey Classification, and identifying each soil for any separate area of one acre or larger in size. Such study shall be undertaken or approved as to its accuracy by a certified soil scientist, geologist, or soils engineer.

xii. Location of any tests or studies made, such as sample borings, bearing studies, etc.

xiii. Location of existing and proposed modification of natural features such as water bodies, springs, streams, swamps and wetlands, woodlands, cleared areas, trees over 5-inch diameter, gullies and ravines, ledge and outcroppings.

xiv. Proposed planting, *including* buffer and screening provisions and integration with natural features.

xv. Existing pattern of surface drainage, modifications proposed to it, flow on and from existing and proposed paved areas.

xvi. Location, size and type of existing and proposed sanitary and storm sewers identifying direction of flow. Description of proposed disposal of storm water andsewage, if connection to public storm and sanitary sewers is not proposed.

xvii. Location, size and type of existing and proposed water supply for both general consumption and fire protection.

xviii. Location of existing and proposed electric and telephone service.

xix. Proposed means of snow removal, garbage and trash collection, and facilities necessary thereto.

xx. Proposed storage areas, *including* facilities for maintenance of the proposed development.

xxi. Proposed outdoor recreation facilities.

xxii. Proposed conservation provisions.

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xxiii. Where application is made for approval of development of only a portion of a larger tract, the developer shall submit a plan indicating their general form of future development over the remainder, and its relationship to the proposed development as submitted for approval.

xxiv. All other information and standards that are applicable in this Article's Sections following

3. Final Plan Review
    a. A request for Final Approval shall be made by the developer in writing to the Planning Board, and shall be accompanied by the Final Plan, a Performance Guarantee and other materials as described herein, the Monday prior to the next Development Review Staff meeting. Final Plan submission requires the approval of the Preliminary Plan by the Development Review Staff unless requesting expedited request under **Section F.5.a**

    b. The Development Review Staff shall review Final Plans two weeks prior to the next scheduled Planning Board Meeting.

        i. Any revised plans to addressed staff comments shall be received no later than 10 calendar days from the next scheduled Planning Board Meeting.

        ii. Final revisions of plans submitted by the deadline referenced in **Section F.3C.i** above shall consist of one electronic copy and a number of copies as determined by staff to prepare for the meeting packets of the Planning Board.

    c. The Planning Board shall review the Final Plan of the proposed development as submitted. It shall verify the provision of all information as required under the above subsections, and the provision of any additional information requested during the Preliminary Review. It shall examine any changes made subsequent to the Preliminary Plan for satisfactory correction.

    d. The Final Plan shall be accompanied by the following documents as applicable:

        i. Private restrictions and easements, conditions of sale and trusteeships, and their periods of existence.

        ii. A statement from the Superintendent of the Presque Isle Utilities District of conditions on which the District will supply water, and approving the size and location of mains, valves and hydrants proposed.

        iii. A statement from the Fire Chief of the City of Presque Isle approving the number, size and location of hydrants and their supply mains proposed.

        iv. A statement from the Public Works Director or his designee if connection to public storm sewers is proposed, approving the location, diameter, slope and invert elevations of the storm sewers proposed.

1. Statements of approval of the means of sanitary sewerage proposed from theappropriate State Agencies having jurisdiction, together with evidence ofsuitability of soil and/or water bodies to dispose of the effluent from the proposed treatment of sanitary wastes and from storm water runoff.
2. Offers of cession in a form certified as satisfactory by the City Solicitor of all land included in streets, highways, parks or other open space ultimately to bededicated for public use, or not specifically reserved by the developer.
3. Proof from the Zoning Board of Appeals of the granting of an appeal for a variance or special exception, if required, and any conditions imposed.

e. The Planning Board shall approve or deny the Final Plan, taking into consideration the general and specific requirements listed under this Article.

f. No Final Plan shall be approved by the Planning Board unless submitted by the developer or his authorized agent within 12 months from the issuance of Preliminary Approval.

g. The Planning Board shall issue a written notice directed to the applicant through its minutes or otherwise, of its decision within 30 days after application for Final Approval has been submitted.

h. The approval of a Final Plan by the Planning Board shall not be deemed an acceptance by the City of the dedication of any street, or other public way or grounds.

i. The approval of a Final Plan shall be attested on the two copies of the signatures of a legal majority of the members of the Planning Board.

j. Two signed copies of the Final Plan as approved shall be retained by the Planning Board (1) and the City Assessor (1). If any subdivision of land is proposed in the Final Plan, all material required to be recorded by the Aroostook County Registry of Deeds shall be so submitted by the developer within ninety days of the date of written notice of approval by the Planning Board.

4. Performance Guarantee

   a. The Final Plan shall be accompanied by a Performance Guarantee, or at the approval of the Planning Board, a Conditional Agreement. A Performance Guarantee may be tendered in the form of either a certified check payable to the City of Presque Isle, a savings account passbook issued in the name of the City, or a faithful performance bond running to the City of Presque Isle and issued by a surety company acceptable to the City Manager. It shall be in an amount of money to be determined by the City Manager with the advice of various City departments and agencies to be sufficient to cover the cost of at least furnishing, installing, connecting and completing all of the street grading, paving, storm drainage, utilities, and other improvements for public benefit or use specified in the Final Plan. It shall be conditioned upon the completionof all such improvements within two years from the date of such check or bond. A Conditional Agreement, if acceptable in lieu of a Performance Guarantee, shall be endorsed by the Planning Board on the Final Plan, and shall provide that no lot or parcel of land may be conveyed, and that no permit may be issued by the Building Inspector for any building on any portion of the development until the completion ofall street grading, paving, storm drainage, utilities and other improvements for publicbenefit or use specified in the Final Plan. Completion shall be determined by the Municipal Officers to their satisfaction, who shall receive written certification signedby the City Manager, the Planning Board and the Public Works Director, and the Superintendent of the Presque Isle Utilities District that all improvements assured bythe Performance Guarantee have been constructed in conformance with the Final Plan and all applicable codes and ordinances. In addition, the developer shall furnish at his own expense the signed certification by a registered surveyor or civil engineer that all permanent bounds or monuments have been installed and are accurately in placein the locations designated in the Final Plan.

5. Expedited Review Process Requests

   a. As to any intended development, the developer or his authorized agent may request expedited approval by the City by consolidating the Preliminary Plan into the Final Plan. The Final Plan shall not be considered by the Planning Board until the developer has received from the City Staff a written notice that a legal majority of the City's Development Review Staff have approved the Final Plan and any modified Final Plan must be submitted by the deadlines referenced above.

   b. The requirements may be waived by the Planning Board in accordance with **Subsection G** following.

G. VARIATION OF STANDARDS

1. A variation in the strict application of this Article or a provision thereof may be permitted only where in the opinion of the Planning Board, strict application to the developer and his property would cause undue hardship, or would not be in the best interest of the City, or would be waived according to **Section G.2 below**.

2. The Planning Board may waive the procedures leading up to the Final Approval required under **Section F.5** of this Article when, in its opinion, the development is not of potential impact so as to require governance by this Article or such request in writing to the Planning Board without appearing in person before it. In so waiving the requirements of those sections, the Planning Board shall nonetheless require a satisfactory description of the nature and extent of the development proposed in drawings and otherwise as necessary to provide a basis on which to give approval. The documents necessary to making applications for a Building Permit may be sufficient for this purpose.

H. ENFORCEMENT

When the violation of any provision of this Article shall be found to exist, the City Solicitor, upon notice from the City Manager, is hereby authorized and directed to institute in the name of the City, any and all actions and proceedings that may be appropriate or necessary to the enforcement of the provisions of this Article.

I. FINES

Any person, firm, corporation or other legal entity who conveys or offers to convey, includingby rental or lease, land within a proposed development as governed by this Code before receiving Final Approval as required by this Article shall be punished by a fine of not morethan $1,000 for each conveyance, offering or agreement. Any person, firm, corporation or other legal entity who otherwise violates any of the provisions of this Article shall be guilty of a misdemeanor and on conviction thereof shall be fined not more than $100.00 for each offense. Each day such a violation is continued after notification thereof shall constitute a separate offense. All fines collected under this Article shall inure to the City of Presque Isle.

J. CONFLICT WITH OTHER ORDINANCES

In any case where a provision of this article is found to be in conflict with a provision of any other ordinance or code of the City existing on the effective date of this Code, the provision which established the higher standard for the promotion of health and safety shall prevail.

K. APPEAL

An appeal from any order, relief, or denial of the Planning Board may be taken by any party to Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80 B. The hearing before Superior Court shall be a trial **de novo** without jury.

L. SEVERABILITY

The invalidity of any section, subsection, paragraph, sentence, clause, phrase or work of this Code shall not be held to invalidate any other section, subsection, paragraph, sentence, clause, phrase or word of this ordinance; to this end, the provisions of this ordinance are hereby declared to be severable.

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SECTION II PARKING LOADING AND TRAFFIC

A. OFF-STREET PARKING STANDARDS

1. Off-street parking, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve conforming uses located in any district.

The following minimum off-street parking and loading requirements shall be provided and maintained in case of new construction, alterations and changes of use. Such parking may be provided in spaces each 10 feet wide and 20 feet long for perpendicular, diagonal parking, and queuing lanes and 9 feet wide and 24 feet long for parallel parking, or spaces dimensioned as may be required to suit the particular use or in garages. All spaces shall be accessible from lanes of adequate size and location.

For all Business and Commercial parking list below: one (1) parking space will be required for each regular employee, plus the following requirements:	
Adult Daycare Facility	1 space per 4 clients
Aged & Congregate Housing	1 space per each residential unit
Bank & Financial Institutions	1 space per 200 sq. ft. of floor area *Drive-through window feature requires a queuing lane of 4 parking spaces per lane
Bed & Breakfast	1 space per each sleeping room
Business & Professional Office	1 space per 500 sq. ft. of floor area
Community Living Arrangements	1 space per residential unit
Daycare/Home Baby Sitting Facility	1 space per each room used as a daycare
Dog Daycare	1 space for each 500 sq. ft. of floor area
Dog Kennel	1 space per 4 kennels
Drive-Through Establishment	After calculating the primary use in this chart, the following queuing lane requirements are as follows: • Restaurants: A queuing lane of 17 spaces from the place of order • Other non-restaurant uses: Drive-through window feature requires a queuing lane of 4 parking spaces per lane

Dwellings: Apartments, Duplex, Mobile Homes or Single-Family	2 spaces per residential unit
Employer Sponsored Housing	Shall not be required to provide parking when in the AFFZ. Standard for rooming house will apply for all other zones.
Funeral Home	1 space for every 150 ft. of floor area devoted to patron use
Gasoline Service Stations & Repair Garage	1 space for each 500 sq. ft. of floor area used for service work
Homeless Shelter	1 space per each 10 beds
Hospice	1 space per each 4 beds
Hospital	1 space per each 4 beds
Hotel	1 space per each sleeping room
Manufacturing & Warehousing	1 space per 10,000 sq. ft of floor area
Motel	1 space per each sleeping room
New & Used Vehicle Dealer	1 space reserved for customers per each 30 vehicles displayed on lot
Nursing Homes	1 space for each 4 beds
Pre-School	1 space per each room used as a nursery or pre-school
Place of Assembly	1 space for every 150 ft. of floor area devoted to patron use
Research & Development Facilities	Minimum five spaces or 1 space for every 4 seats in meeting room
Restaurant	1 space for every 3 seats
Rooming House	1 space per residential unit
Sales Establishment	1 space for each 300 sq. ft. of floor area
School*	*Elementary* 6 spaces *Middle* 6 spaces *Senior High* 15 spaces *Colleges & Universities* 1 space per 7 seats in classrooms
Service Establishment	1 space for each 500 sq. ft. of floor area
Theater	1 space for each 3 seats
Transportation Terminal	1 space for each 3 seats of the terminals major carrier and 1 space for each rented vehicle to be based on-site
Veterinary Hospital	5 Spaces
*** Standards for school parking do not include gym and auditorium spaces that hold gatherings. Include these additional spaces per Place of Assembly space.**	

Apartment Buildings

2 parking spaces per dwelling unit, however this requirement may be met with annual overnight parking permit (OPP)

2. Required off-street parking in all districts shall be located on the same lot as the principal building or use except that where it cannot reasonably be provided onthe same lot, the Board of Appeals may authorize residential off-street parking tobe located on another lot within 300 feet of the residential uses served as measured along lines of public access. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required. (See **SECTION A.10.**)

3. Required off-street parking in all business and industrial zones shall be located on the same lot with the principal building or use, or within 100 feet measured along lines of public access, except where the off-street parking cannot be provided within these limits, the Board of Appeals may permit such off-street parking to be located a reasonable distance from the principal building or use, measured along lines of public access. Such parking areas shall be held under the same ownership or lease, and evidence of such control or lease shall be required. Such lots shall be located within business or industrial districts.

4. Where off-street parking for more than six vehicles is required or provided on a lot in a Residential Zone and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met:

   a. A continuous guard curb, rectangular in cross section, at least six inches in height and permanently anchored, shall be provided and maintained at least five feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or line involved, either above or below the impact surface.

   b. Where such off-street parking shall abut a lot in residential use or an unoccupied lot which is located in a Residential or Agricultural Zone, a chain link, picket or sapling fence, not less than 48 inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.

5. Where off-street parking for more than six vehicles is required or provided on a lot in any business zones, the following requirements shall be met:

   a. Where vehicles are to be or may be parked within ten feet of any street line, a continuous guard curb, rectangular in cross section, at least six inches in height and permanently anchored, shall be provided and maintained at least five feet from the street line between such off-street parking and that part of the street line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches in height, shall be provided and maintained between such off-street parking and that part of the street line involved so that the bumper of vehicles cannot project beyond its face toward the street line involved, either above or below the impact surface.

   b. Where such off-street parking shall abut a lot in a residential use or an unoccupied lot which is located in a Residential or Agricultural Zone, a chain link, picket or sapling fence, not less than 48 inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.

6. Where off-street parking for more than six vehicles is required or provided, the following construction requirements shall apply.

   a. Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided. Location and width of approaches over public sidewalk shall be approved by the Code Enforcement Officer. When access to parking areas is available from more than one street, the location of points of ingress and egress shall have the approval of the Planning Board.

   b. The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a sub-grade consisting of gravel or equivalent materials at least six inches in depth, well compacted and with a wearing surface equivalent in qualities of compaction and durability to fine gravel.

   c. A system of surface drainage shall be provided in such a way that the water run-off shall not run over or across any public sidewalk or street.

   d. Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways.

7. The Board of Appeals may, in specific cases of hardship, reduce the requirements for off-street parking where it is clearly demonstrated that such reduction will not detract from neighborhood values, inconvenience the public or increase congestion in the streets.

8. The Board of Appeals may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reason of variation in the probable time of maximum use of patrons or employees among such establishments.

9. This sub-section shall apply only to the Residential Zones (SRZ), (URZ) & (ROZ) of this Land Use and Development Code–Chapter 16.

   No vehicle shall be parked upon any residential property, in the aforementioned zones, that is not currently and properly registered and used by the occupant(s) or owner(s) of his dwelling or his invited guests; except when that vehicle is housed or contained in a garage or other structure that complies with the existing building codes of the City.

10. This sub-section shall apply only to that portion of the Downtown Retail Business Zone (DRBZ)located between Howard/Roberts Streets to the South and Church Street to the North:

    a. Parking requirements for all uses may be fulfilled by parking spaces located on property owned by others if located within 500 feet of the proposed development. If ownership is not located on the same lot as the principal building or use, then evidence of control or lease agreement shall be required.
    b. Parking requirements for residential uses may be located on property owned by the City with an Overnight Parking Permit (OPP) issued annually by the Presque Isle Police Department (PIPD).

B. OFF-STREET LOADING STANDARDS

1. In those districts where off-street loading is required, the following minimum off-street loading bays or loading berths shall be provided and maintained in the case of new construction, alteration, and changes of use:

   Office Buildings and Hotels with a gross floor area of more than 100,000 square feet:

   1 Bay

Retail, wholesale and industrial operations with a gross floor area of more than 5,000 square feet:

5,001 to 40,000 sq. ft.	1 bay
40,001 to 100,000 sq. ft.	2 bays
100,001 to 160,000 sq. ft.	3 bays
160,001 to 240,000 sq. ft.	4 bays
240,001 to 320,000 sq. ft.	5 bays
320,001 to 400,000 sq. ft.	6 bays

Each 90,000 square feet over 400,000 square feet, 1 additional bay.

2. Each loading bay shall have minimum dimensions of 70 feet by 14 feet and may be located either within a building or outside and adjoining an opening in the building. Every part of such loading bay shall be located completely off the street. In case trucks, trailers, or other motor vehicles larger than the dimensions of the minimum loading bay habitually serve the building in question, additional space shall be provided so that such vehicle shall park or stand completely off the street.

3. The provisions of this section for off-street loading shall not be construed as prohibiting incidental curbside business deliveries, dispatches, or services provided that they are in compliance with all applicable State and local traffic regulation.

4. The Zoning Board of Appeals shall have full authority to waive the requirements of this Section where it may be shown that appropriate parking and loading spaces will be maintained sufficient for the intended use.

C. ACCESS AND PARKING LAYOUT

1. To limit the proliferation of access points from parking areas to public highways and the resultant strip development, traffic hazards, congestion and other manifestations of commercial or industrial sprawl, each developer in all zones shall be required to prepare and implement plans to ameliorate visual and safety concerns associated with highway development. The Planning Board shall review all plans and proposals under the terms of Article 2 of this Code and together with the Presque Isle Department of Public Works, shall approve or deny plans prior to the obtainment of a building permit. The following standards shall be considered.

Ingress and egress shall be controlled and limited and shall consider:

a. Sight distances along the Public Right of Way
b. Effects on adjacent public access points
c. Overall traffic safety considerations
d. Turning movements of vehicles contemplated to be using the facility
e. Snow removal
f. Aesthetic and visual sighting from the Public Right of Way
g. Traffic signalization requirements

2. Where sufficient land is available, all traffic turning movements will be accomplished off the public traveled way.

3. The City of Presque Isle reserves the right to designate all ingress and egress points to the public highway and to select areas for the grouping and placement of signs and traffic directions.

4. All traffic flow in parking areas shall be clearly marked with signs and/or surface directions at all times.

5. All parking spaces shall be clearly marked.

6. Off-street parking shall be constructed in accordance with Maine State Department of Environmental Protection (DEP) standards and guidelines.

D. CORNER CLEARANCES

For purposes of traffic safety in all districts, no building or structure other than public utility structures and traffic control devices may be erected and no vegetation other than shade trees may be maintained above a height of three feet above the plane through the curb grades of intersecting streets within a triangle two sides of whichare the edges of the public ways for twenty feet measured from their point of intersection or in the case of rounded street corners, the point of intersection of their tangents. The City of Presque Isle shall not be held to be responsible for violations which lead to accidents.

SECTION IIISIGNS

All exterior and commercial interior signs may display attached, detached, or projecting signs, single or double-faced, identifying uses or goods sold or services rendered on the premises by the following requirements:

A. GENERAL

1. All signs may be illuminated only by non-flashing lights. All illumination shall be designed so as to prevent direct or obstructive lighting of the public way(s) or nearby residential areas. This may be accomplished by shielding, directional lights or by colored and/or interior illumination techniques. Any signs erected shall be placed no closer than 20 feet from any side property line.

2. Signs shall require a permit and shall be installed in compliance with Chapter 31, "Signs", Section 3107 of the International Building Code (IBC), as amended. Applications for sign permits shall be accompanied by a fee, as may be established from time to time by the Presque Isle City Council.

3. Business Directional Signs installed under this section of the Presque Isle, Maine Land Use & Development Code shall abide by the "Maine Department of Transportation Chapter 200 – Regulations for the installation of Official Business Directional Signs" and amendments thereto.

4. No Maine Department of Transportation (MDOT) Official Business Direction signs shall be permitted within the designated Urban Compact area of the City of Presque Isle, Maine, *except* in the following locations and only with the written approval of the Code Enforcement Officer:

    a) U.S. Rte. 1 (Main Street) between Rice Street and Maysville Street – (east side);

    b) U.S. Rte. 1 (Main Street) between the southerly end of the Aroostook River bridge and Parsons Road Connector – (west side);

    c) U.S. Rte. 1 (Main Street) between the northerly end of the Aroostook River bridge and Reach Road – (east side).

5. Signs advertising the availability of lots in approved subdivisions are regulated under the provisions of Article 2, SECTION IV RESIDENTIAL DEVELOPMENT STANDARDS A.16

6. Detached signs shall not extend to an elevation greater than twenty-five (25) feet above the ground upon which they are erected.

7. Projecting signs shall not extend beyond the street line. No attached sign or supporting structure shall extend above the level of a roof or parapet or the level of the eaves on other types of roofs.

8. Within any Business Zone (BZ), Retail Business Zone (RBZ), or Suburban Commercial Zone (SCZ), contiguous, separately-owned parcels, one of which **must** be a corner lot at the intersection of two streets, may display permitted signage for on-premises, non-residential uses on one or both parcels. No more than two (2) on-premises, non-residential use signs may be displayed on either parcel for any two (2) abutting properties. Written agreements for sign placement must be executed by and between the property owners prior to placement of signage off-premises.

9. All signage must follow the following square requirements:

Zone	Signage Square Footage Limit
Agricultural Forestry & Farming Zone	Commercial Use: 50 sq. ft per business Residential Use: 3 sq. ft
Airport Hazard Zone	Commercial & Residential uses: 3 sq. ft
Business Zone	Commercial Use: 4 sq. ft per foot of street frontage not to exceed 400 sq. ft Residential use: 3 sq. ft
Downtown Retail Business Zone	Commercial Use: 2 sq. ft per foot of street frontage not to exceed 200 sq. ft.
General Development Zone	Commercial & Residential Uses: 3 sq. ft
Industrial Zone	Commercial Use: 400 sq. ft
Retail Business Zone	Commercial Use: 4 sq. ft per foot of street frontage not to exceed 400 sq. ft Residential use: 3 sq. ft
Residential Office Zone	Commercial Use: 30 sq. ft Residential Use: 3 sq. ft
Rural Residential Zone	Commercial & Residential Uses: 3 sq. ft
Source Water Protection Area	Commercial & Residential Uses: 3 sq. ft
Suburban Commercial Zone	Commercial Use: 30 sq. ft
Suburban Residential Zone	Commercial & Residential Uses: 3 sq. ft
Urban Residential Zone	Commercial & Residential Uses: 3 sq. ft

SECTION IV RESIDENTIAL DEVELOPMENT STANDARDS

A. RESIDENTIAL DEVELOPMENT

In all Residential Districts the following special provisions may apply subject to the conditions set forth herein.

Notwithstanding other provisions of this Code relating to space and bulk, the Planning Board in reviewing and approving proposed residential developments located in Presque Isle, may modify said provisions relating to space and bulk 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.

Innovative approaches to residential layout and environmental design shall be subject to the following criteria:

1. The purpose and intent of this Land Use and Development Code shall be upheld.

2. There shall be compliance with **ALL** State and local codes and ordinances.

3. 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.

4. There shall be no approval of any proposed development which exceeds the allowable net residential densities permitted in the purposes of this Code, net residential density space available for residential development after deduction of vehicular rights-of-way and land not buildable because of drainage, subsurface conditions, or other natural impediment.

5. Residual open space shall be usable for recreational or other outdoor living purposes and for preserving large trees, tree groves, woods, ponds, streams, glens, rock outcrops, native plant life and wildlife cover. The use of any open space may be further limited or controlled at the time of final approval where necessary to protect adjacent properties or uses. Residual open space shall be dedicated to the recreational amenity and environmental enhancement of the development and shall be recorded as such. Such dedications may include private covenants or arrangements to preserve the integrity of open spaces and their use for agricultural or conservation purposes.

6. The developer shall take into consideration the following points, and shall illustrate the treatment of spaces, paths, roads, service and parking areas and other features required in his proposal.

   a. *Orientation*: building and other improvements shall respect scenic vistas and natural features.

   b. *Streets*: access from public ways, internal circulation and parking shall be designed to provide for vehicular and pedestrian safety and convenience, emergency and fire equipment, snow clearance, street maintenance, delivery and collection services. Streets shall be laid out and constructed consistent with local requirements.

   c. *Drainage*: adequate provision shall be made for storm waters, with particular concern for the effects of any effluent draining from the site. Erosion resulting from any improvements on the site shall be prevented by landscaping or other means.

   d. *Sewage Disposal*: adequate provision shall be made for sewage disposal, and shall take into consideration soil conditions and potential pollution of surface or ground waters.

   e. *Water Supply*: adequate provision shall be made for both ordinary use as well as special fire needs.

   f. *Utilities*: all utilities shall be installed underground wherever possible. Transformer boxes, pumping stations and meters shall be located so as not to be unsightly or hazardous to the public.

   g. *Recreation*: facilities shall be provided consistent with the developmentproposal.

   h. *Buffering*: planting, landscaping, disposition and form of buildings and other improvements, or fencing and screening shall be utilized to integrate the proposed development with the landscape and the character of any surrounding development.

   i. *Disposition of Buildings*: shall recognize the need for natural light and ventilation.

7. For purposes of this section, the tract or parcel of land involved must be either in single ownership, or the subject of an application filed jointly by the owners of all the property.

8. The developer shall file with the City at the time of submission of final plans a performance guarantee. This may be tendered in the form of a certified check payable to the City, a savings account passbook issued in the name of the City, or a faithful performance bond running to the City and issued by a surety company acceptable to the municipality. The conditions and amount of such check, passbook or performance bond shall be determined by the Manager of the City with the advice of various departments or agencies concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the street grading, paving, storm drainage, and utilities or other improvements specified in the final plan, and shall guarantee the satisfactory completion of all specified improvements.

9. Common open space shall be dedicated after approval of the project. There shall be no further subdivision of this land, nor buildings constructed upon it without further planning review and which would cause the new residential density to exceed the density permitted in that district.

10. The common open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that it:

    a. shall not be used for future building lots
    b. a part or all of the common space may, at the option of the City, be dedicated for acceptance by the City for operation as a municipal recreation facility.

11. If any or all of the common open space is to be reserved for use by the residents, the formation and incorporation by the developer of a neighborhood association shall be required prior to final plat approval.

12. Covenants for mandatory membership in the association setting forth the owners' rights and interest and privileges in the association and the common land, shall be approved by the Planning Board and included in the deed for each lot.

13. This neighborhood association shall have the responsibility of maintaining the common open space(s).

14. The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open spaces, neighborhood recreational facilities and City assessments.

15. The developer or sub-divider shall maintain control of such open space(s) and be responsible for their maintenance until development sufficient to support the association has taken place or, alternatively, the objectives of clustering have been met. Such determination shall be made by the Planning Board upon request of the Neighborhood Association or the developer or sub-divider.

16. Upon presentation to the Code Enforcement Officer of evidence that approved residential subdivision plans have been recorded at the Aroostook County Registry of Deeds, Southern Office, the developer shall be granted permission to erect within the boundaries of the subdivision not more than one (1) double-faced sign or two (2) single-faced signs advertising lots for sale within that subdivision. The signs shall meet the following criteria:

    a. The sign(s) shall not exceed thirty-two (32) square feet in area, and shall not be illuminated;
    b. Sign(s) shall be located outside the public right-of-way;
    c. Sign(s) shall be erected in such location(s) as to avoid interfering in any way with the use and/or enjoyment of adjacent properties, both within and outside the subdivision;
    d. The top of the sign shall not exceed six (6) feet in elevation above the ground;
    e. As lots are sold within the subdivision, it will be the responsibility of the developer to move the sign, as necessary, to comply with the provision of this Code;
    f. If the developer fails to comply for any reason with any or all of the provisions of this section, permitted signage within the subdivision may be limited to individual-lot real estate signage allowed under Article 2, Section III of this Code.

B. RESIDENTIAL DENSITY

The following provisions apply to allow multiple dwelling units on lots where housing is allowed as of July I, 2024 and thereafter.

1. Undeveloped Parcels as of July I, 2024

    a. If the lot is located within a Designated Growth Area approved by the City in its Comprehensive Plan OR is served by public water and sewer, or a centrally managed water system and a comparable sewer system, the owner of the lot is permitted to have up to four (4) dwelling units. The third and fourth dwelling units may be located within a structure or multiple structures. If the third and/or fourth dwelling units are created within a 5-year period, the project may be subject to subdivision review and approval.

    b. If the lot is located outside a Designated Growth Area approved by the City in its Comprehensive Plan, the owner of the lot is permitted to have up to two (2) dwelling units per lot, provided that the requirements in 12 M.R.S. Chapter 423-A, as may be amended, are met. The two (2) dwelling units may be within a single structure or two separate structures.

2. Developed Parcels as of July 1, 2024

    a. If the lot contains one (1) existing dwelling unit, up to one additional dwelling units may be constructed. The additional units may be located within, attached to, or detached from the existing structure. The owner may also choose to have one unit detached and one unit attached to the existing structure. If the third dwelling unit is created within a 5-year period, the project may be subject to additional subdivision review and approval.

b. If the lot contains two (2) or more existing dwelling units, no more additional units are allowed.

3. Water and Wastewater

a. Prior to occupancy, the owner of a housing structure must provide written verification to the Code Enforcement Officer that the structure is connected to adequate water and wastewater services. Written verification under this subsection must include the following:

b. If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the structure and proof of payment for the connection to the sewer system;

c. If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by the Local Plumbing Inspector pursuant to 30-A M.R.S. § 4221, as may be amended. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules;*

d. If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the structure, proof of payment for the connection and the volume and supply of water required for the structure; and

e. If a housing structure is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 § 10.25(J), *Land Use Districts and Standards,* as may be amended. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

4. Shoreland Zoning

a. This Section shall not be construed to exempt a property owner from the applicable provisions of shoreland zoning requirements established by the Maine Department of Environmental Protection under 38 M.R.S. Chapter 3 or the City 's Shoreland Zoning Ordinance.

5. Subdivision Requirements

a. This Section shall not be construed to exempt a property owner from the applicable provisions of the State subdivision statute, 30-A M.R.S. §§ 4401-4408, relating to division of a tract or parcel of land.

6. Restrictive Covenants

a. All residential units permitted after July 1, 2024, may not be construed to interfere with, abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this section, as long as the agreement does not abrogate rights under the United States Constitution or the Constitution of Maine.

C. ACCESSORY DWELLING UNITS

1. Requirements

   a. A lot where a single-family dwelling unit is the principal structure may establish one accessory dwelling unit. The accessory dwelling unit is exempt from any density requirements or lot area requirements related to the area in which the accessory dwelling unit is constructed, except that for any accessory dwelling unit within the Shoreland Zone, it may only be established on a lot where the accessory dwelling unit itself can meet the minimum lot area and minimum shore frontage requirements of Section 15(A) *(e.g.,* for a single family residence and an ADU on a lot in the Shoreland Zone, the lot must have twice the minimum lot area and twice the minimum shore frontage). An accessory dwelling unit must meet the setback requirements set forth in (Chapter 16A, Section 15) if located within the Shoreland Zone and the setback requirements set forth in Chapter 16, Article 1 Section VIII.

2. Size

   a. The accessory dwelling unit must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. § 9722, as may be amended, adopts a different minimum standard; if so, that standard applies. Other size limitations apply if located within a subdivision. An accessory dwelling unit can be no greater than 625 square feet.

3. Water and Wastewater

   a. Prior to occupancy, an owner of an accessory dwelling unit must provide written verification to the Code Enforcement Officer that the accessory dwelling unit is connected to adequate water and wastewater services. Written verification under this subsection must include the following:

      i. If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

      ii. If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by the Local Plumbing Inspector pursuant to 30-A **M.R.S.** § 4221, as may be amended. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules;*

      iii. If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

      iv. If an accessory dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 § 10.25(J), *Land Use Districts and Standards,* as may be amended. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

D. AFFORDABLE HOUSING DEVELOPMENTS

1. Eligibility for Density Bonus

a. An automatic density bonus applies to certain affordable housing developments approved after July I, 2024 as set forth herein.

b. The proposed development must be located within a Designated Growth Area as may be established in the City 's Comprehensive Plan and be in a location that permits multi-family dwellings as of July 1, 2024.

c. The proposed development must comply with the minimum lot size standards in accordance with the State Minimum Lot Size law, 12 M.R.S. Chapter 423-A, as may be amended.

d. The proposed development must be an affordable housing development, as defined in this Chapter, where a majority of the units are affordable and meet the following requirements:

i. The owner of the affordable housing development executes a restrictive covenant that is enforceable by a party acceptable to the City. This restrictive covenant must be recorded in the Southern Aroostook Registry of Deeds to ensure that for at least thirty (30) years after the completion of construction:

(1) For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

(2) For owned housing, occupancy of all the units designated affordable in the development will remain limited to the households at or below 120% of the local area median income at the time of initial occupancy.

e. Prior to occupancy, the owner of the affordable housing development must provide written verification to the Code Enforcement Officer that each unit of the affordable housing development is connected to adequate water and wastewater services. Written verification under this subsection must include the following:

i. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

ii. If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by the Local Plumbing Inspector pursuant to 30-A M.R.S. § 4221, as may be amended. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules;*

iii. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

iv. If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 § 10.25(]), *Land Use Districts and Standards,* as may be amended. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

f. At least three off-street parking spaces for motor vehicles must be provided for every two dwelling units of an affordable housing development.

2. Density Bonus

a. If the requirements of §15-105(A) are met, the proposed development may have a dwelling unit density of not more than 2.5 times the base density that is otherwise allowed in that location. If fractional results occur when calculating the density bonus, the number of units is rounded down to the nearest whole number.

SECTION V DESIGN STANDARDS FOR PUBLIC ROADS & STREETS

A. MINIMUM STANDARD FOR STREET DESIGN AND CONSTRUCTION

The design of streets shall provide for proper continuation of streets from adjacent development and for proper projection of streets into adjacent un-subdivided and open land.

B. ACCEPTANCE OF STREETS AND WAYS

1. A street or way constructed on private lands by the owner(s) thereof and not dedicated for public travel prior to the date of enactment of this ordinance shall be laid out and may be accepted as a public street or way by the City Council only upon the following conditions:

   a. The owner(s) shall give the City a deed to the property within the boundaries of the street at the time of its acceptance by the City.

   b. A plan of said street or way shall be recorded in the Aroostook County Registry of Deeds at the time of its acceptance.

   c. A petition for the laying out and acceptance of said street or way shall be submitted to the City Council upon a form to be prescribed by the Presque Isle Public Works Director. Said petition shall be accompanied by a plan, profile and cross section of said street or way as follows:

      i. A plan drawn, when practicable to a scale of 40 feet to 1 inch, and to be on one or more sheets of paper not exceeding 24 inches by 36 inches in size. Said plan shall show the north point, the location and ownership of all adjoining lots of land, passage ways, street lights and electric lines, boundary monuments, water ways, topography and natural drainage courses with contour at not greater than 2 feet intervals, all angles, bearings, and radii necessary for the plotting of said street and lots and their reproduction on the ground, the distance to the nearest established street or way, together with the stations of their side lines. The plan of said street or way shall describe provisions for storm drainage.

      ii. A profile of said street or way drawn to a horizontal scale of 40 feet to 1 inch, and a vertical scale of 4 feet to 1 inch. Said profile shall show the profile of the sidelines and centerline of said street or way and the proposed grades thereof. Any buildings abutting on said street or way shall be shown on said profile.

iii. A cross section of said street or way drawn to a horizontal scale of 5 feet to 1 inch and a vertical scale of 1 foot to 1 inch.

iv. The location and size of the proposed water and/or sewer mains in accordance with this Code and the location of all curb cuts, actual or planned.

v. The Planning Board with the advice of the Public Works Director shall determine the adequacy of the provisions for storm drainage.

1. The Planning Board may require the developer, at his expense, to provide detailed plans and specifications for storm drainage.
2. All costs for storm drainage facilities shall be borne by the developer.
3. When said street has been accepted, said storm drainage facilities shall be added to the City at no cost to the City.
4. Streets with curb and gutter drainage instead of ditches shall have typical stone, fabric, and perforated pipe under drains on each side as approved by the Public Works Director or City Engineer.

2. Said street or way shall be previously constructed in accordance with the following specification.

a. *General*: All streets shall intersect at right angles wherever possible, but under no circumstances shall they intersect at an angle of less than sixty (60) degrees. "T" intersections formed on opposites sides of the same collector street shall not be closer than 200 feet centerline to centerline. Street lines at intersections and curbs shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. Curves in general shall have a minimum center line radius of 100 feet. Curb lines radii at street intersections should beat least 25 feet. A dead-end street or cul-de-sac shall be provided with a suitable turnaround at the closed end. When a turning circle is used, it shall have a minimum inside radius of 75 feet. Grades of all streets shall be reasonable minimum, but in no case shall the grade by less than 1% or more than 8%, unless specifically approved by the Planning Board and the PresqueIsle Public Works Director. The construction of all streets will include the removal of all stumps, roots, brush, perishable materials, and all trees not intended for preservation. All loam, loamy material and clay shall be removed from the street or way to the depth specified by the Presque Isle Public Works Director. All streets shall have a crown to provide for proper drainage. The crown shall be a minimum of 1\8" per running foot to a maximum of 1\4" per running foot of roadway width. The right-of-way lines of all streets shall be marked with one half inch extra heavy black iron or extra heavy galvanized pipe sufficient to reproduce the right-of-way lines.

b. *Local Residential Streets*: All local residential streets shall have a minimum street right-of-way width of 68 feet. The street shall be graded to a subgrade of notless than 12 inches in the roadway location and driveway areas, and not less than 8 inches in the sidewalk area below finish grade onthe plans, profiles and cross sections of said street or way. The subgrade shallbe carefully shaped and thoroughly compacted before subbase gravel is set in place. When a minimum length of 300 feet (or the entire length of the street if it is less than 300 feet long) has been excavated to subgrade and this subgrade properly prepared for the subbase gravel, the Presque Isle Public Works Director or City Engineer shallbe notified. Written approval of the subgrade must be obtained from thePublic Works Director or City Engineer prior to the placing of gravel. The subbase shall be built to a minimum thickness of 18 inches of Maine Department of Transportation (Maine DOT) spec 703.06 (b), type D or approved subbase gravel with no stones over six (6) inches. The sub-base shall be placed in lifts not to exceed nine (9) inches in thicknessand compacted to 95%.

The City reserves the option to require a layer 3" to 4" thick of crushed Maine Department of Transportation 703.06 (a), Type A base gravel or approved equal to be placed on top of the subbase. This option shall be exercised at the discretion of the Public Works Director or the City Engineer when either has determined there appears to be an excess amount of three (3)" to six (6)" stones. When this option is exercised the subbase gravel thicknessmay be reduced accordingly, upon approval by the Public Works Director or City Engineer. No frozen gravel shall be used. The developer is responsible, athis/her expense, for any and all necessary tests and reports needed to certify compaction results and materials gradation and shall provide copies to the Public Works Department. The developer shall also provide any other supervision or inspections necessary to ensure compliance with this Article.The developer shall provide at his/her expense 2 inches of 19.5 mm hot bituminous binder pavement and 1.25 inches of 9.5 mm rolled hot bituminous surface pavement, as specified by the Public Works Director or City Engineer. The City may require a tack coat to be placed between the binder and surface course. The developer shall certify that all pavement is properly placed and compacted and shall provide proof of same to the Public Works Department. All asphalt shall be PG 64-28, minimum.

The 68-foot minimum width of the street right-of-way shall be divided in the following manner:

i. A 24-foot paved roadway
ii. The side having the parking space (subject at the discretion of the City Council),

A curbing made of a material approved by the PublicWorks Director or City Engineer, with a minimum height of 6 inches; and

A five (5) foot wide sidewalk, unless adequate pedestrian walkways are provided elsewhere. All walkways shall conform to the requirements of the Americans with Disabilities Act.

c. *Collector Streets*: All collector streets shall be designed and constructed in accordance with the specifications for local residential streets, as a minimum, except that paved traveled surface shall be at least 32 feet in width. The City may require up to 18 inches of Maine DOT 703.06(b), Type D or approved subbase gravel,6 inches of Maine DOT spec 703.06(a), Type A or approved gravel, 2.5 inches of 19.5mm hot bituminous binder pavement and 1.5 inches of 9.5mm rolled hot bituminous surface pavement on streets expected to carry heavy trucks. The City also may require additional Right-of-Way and street width to carry anticipated traffic loads, sidewalks, parking, etc.

3. All engineering work, inspection and supervision for the construction of the street and sidewalks, and storm sewers, and ditches shall be performed by the developer at his expense.

4. All underground utilities shall be constructed before any road material is placed. This shall include all residential connections installed to the property lines.

5. Whenever it shall be deemed necessary by the Planning Board, after consulting with the Presque Isle Public Works Director, that a storm sewer shall beconstructed to serve the street under consideration, such storm sewer shall becompleted before the gravel or road material is placed thereon. Said sewer shall be built by the developer in accordance with the following method:
   © The developer shall cause the storm sewers and appurtenances, including catch basins, to be built to the specifications of the Maine Department of Transportation. When said street has been accepted, said sewers shall be deeded to the City as a public sewer at no cost to the City.

6. The Presque Isle Utilities District shall determine the size of the water main to be installed. The Chief of the Presque Isle Fire Department must, in writing, certify that adequate water service for sufficient fire protection exists. It shall be the policy of the City to cause the installation of such fire hydrants as may be required for the fire protection at the same time as the installation of the water main.

C. ACCEPTANCE OF STREETS AND WAYS REQUIRED BY THE PUBLIC INTEREST

Notwithstanding the provisions of any other Section hereof, the City may at any time lay out and accept any street or way in the City of Presque Isle, Maine as a public interest so requires. The cost of said street or way may be borne by said City.

No street or way shall be laid out and accepted by the City Council until the Planning Board and the Presque Isle Public Works Director or City Engineer shall have made a careful investigation thereof, and shall have reported to the City Council their recommendations in writing with respect thereto. The final decision rests with the City Council.

D. CURBS

Curbing of a type approved by the Presque Isle Public Works Director may be required by the Planning Board on both sides of any proposed street.

E. EASEMENT

The Planning Board may require easements for sewerage, other utilities, drainage, and stream protection. In general, easements shall not be less than twenty feet in width. Wider easements may be required.

F. "AS BUILT" PLANS

The developer shall provide "as built" plans showing all public facilities (i.e. streets, drainage facilities, and utilities) to the Planning Board and Public Works Director prior to acceptance by the City Council.

G. PRIVATE STREETS AND WAYS

Private streets and ways may be constructed within the City of Presque Isle upon showing by the applicant that the public health, safety and welfare will be maintained. It shall be clearly demonstrated, in written form, that the proposed private street will be adequately maintained, provided sufficient spaces for emergency vehicle access, will conveniently serve its intended properties and will not exceed the maximum permissible lengths established by the City.

SECTION VI MOBILE HOME PARKS SEASONAL TRAILER PARKS AND CAMPGROUNDS

A. LICENSES

No person, firm, or corporation shall establish or maintain a Mobile Home Park, Seasonal Trailer Park or Campground within the City of Presque Isle without a license issued in conformity with the provisions of this Code. A Mobile Home Park, Seasonal Trailer Park, or Campground in existence prior to the adoption of this Code may be enlarged only if the extension complies with the terms as specified herein.

1. Application for a Mobile Home Park shall be filed jointly with the Code Enforcement Officer and with the Department of Economic & Community Development shall, in turn, present said subdivision application to the City of Presque Isle Planning Board for review as a subdivision. The Planning Board shall review the plan of the proposal and approve; approve with conditions, or deny approval of the proposal on the basis of standards contained herein in this Code. The Planning Board shall inform the Code Enforcement Officer of its decision and he shall act on the application.

2. Application for a Seasonal Trailer Park and/or Campground, along with a detailed site plan and evidence of compliance with State of Maine licensingrequirements, shall be filed with the Code Enforcement Officer who will review and approve, approve with conditions, or deny approval of the proposal on the basis of standards contained herein.

3. The City Council is hereby authorized to seek revocation of any license issued by the State Regulatory Agency pertaining to such park, if after due investigation they determine the holder thereof has violated any of the provisions of this or any applicable Code, law or statute.

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B. TRAILER PARKS AND CAMPGROUNDS

In any district where campgrounds or trailer parks are permitted under the terms of this Code, campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following regulations and minimum standards shall apply:

1. A campground may not be constructed on less than 5 acres of land.
2. 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.
3. The areas intended for placement of a recreational vehicle, tent or shelter, andutility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond or a river, and one hundred (100) feet from the normal high-water line of other water bodies, tributary streams, orthe upland edge of a wetland.
4. Each tent site must be provided with a masonry or metal fireplace approved by the Fire Chief.
5. Spaces in campgrounds and trailer parks may be used by travel trailers, equivalent facilities constructed in or on automotive vehicles, tents, or other short-term shelter devices.
6. A trailer park or campground shall provide water and sewerage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State Plumbing Code and the Maine Department of Human Services.
7. Tent sites shall contain a minimum of 400 square feet. There shall be a minimum of 30 feet between tent sites.
8. Trailers shall be so parked in spaces that:
    a. There will be a minimum of 15 feet between vehicles.
    b. There will be a minimum of 15 feet between all trailers and the exterior boundary of the park.
    c. There will be a minimum of 25 feet between all trailers and all public rights-of- way located inside the boundaries of the trailer park or campground. Setbacks from roads outside the trailer park will be a minimum of 150 feet.
9. The storage, collection, and disposal of refuse shall not create health hazards, rodent harborage, insect breeding areas, accident hazards, or air pollution.

C. MOBILE HOME PARKS

Except as stipulated below, mobile home parks or subdivisions shall be constructed and installed in accordance with the following minimum standards and in accordance with Article II of this Code and all applicable state laws. Mobile home parksshall provide areas for the location and development of manufactured housing, as defined in this Code.

NOTE: Mobile home parks are not permitted in a Watershed Protection Zone.

1. PARK ADMINISTRATION

   The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park-owned structures and their sites. Park management shall conform to state laws.

   Compliance with this ordinance shall not exempt the park owner, developer, or manager from complying with other applicable local, state, and federal codes and regulations.

2. OWNERSHIP

   Where a developer elects to create a mobile home park where all land is under new ownership, the park plan shall show lots and the developer shall demonstrate that the development standards described herein are met.

3. CONVERSION OF PARK

   No lot in a mobile home park may be sold or conveyed without the prior approval of the Planning Board. Any such lot sold or conveyed shall meet the lot size requirements of the zone in which it is located.

4. LOT SIZE, WIDTH, AND DENSITY
   a. Lots Serviced by Public Sewer

      A mobile home lot served by public sewer shall consist of a minimum lot area of six thousand five hundred (6,500) square feet and shall have a minimum frontage of sixty-five (65) feet.

   b. Lots Served by Individual Subsurface Sewage Disposal System

      A mobile home lot served by an individual subsurface sewage disposal system shall consist of a minimum lot area of twenty thousand (20,000) square feet and shall have a minimum frontage of one hundred (100) feet. It shall be the responsibility of the owner/developer to submit an assessment of the impacts of park development on ground water quality. This assessment shall be prepared by a Certified Geologist or Registered Professional Engineer.

c. Lots Served by a Central Subsurface Waste Water Disposal System

A mobile home lot served by a central subsurface waste water disposal system shall consist of a minimum lot area of twelve thousand (12,000) square feet and shall have a minimum frontage of seventy-five (75) feet. The overall density of a mobile home park served by a central subsurface sewage disposal system shall be no greater than one unit per 20,000 square feet of total park area. It shall be the responsibility of the owner/developer to submit an assessment of the impacts of park development on ground water quality. This assessment shall be prepared by ground water quality. A Certified Geologist or Registered Professional Engineer shall prepare this assessment.

d. Where lots front on a curved right-of-way or are served by a driveway, the frontage requirement shall be measured in a straight line perpendicular to the setback line.

e. Lots within a Shoreland Zoning-controlled area shall meet the lot area, lot width, setback, and frontage requirements for that zone.

f. The overall density of the mobile home park shall be the combined area of its mobile home lots plus:

- The area required for road rights-of-way;
- The area required for buffer strips, if any;
- For areas served by public sewer, an open space area for storage and recreation equal to 10% of the combined area of the individual lots; and
- The area within the Shoreland Zoning setback.

5. SETBACKS

g. Manufactured homes in a mobile home park shall maintain the following front, side, and rear yard setbacks:
    1. Fifteen feet (15) from front lot line;
    2. Ten (10) feet from side and rear lot lines.

h. A minimum 20-foot separation shall be maintained between all manufactured homes in all directions. The Planning Board may allow side yard setbacks to be reduced to five (5) feet, provided a distance of twenty (20) feet is maintained between units for the purpose of providing more usable yard space on one side on the home.

6. FOUNDATIONS

All manufactured housing located within a mobile home park shall be placed on a permanent foundation, as defined in this Code.

7. UTILITY REQUIREMENT

All mobile home parks shall provide permanent electrical, water, and sewage disposal connections to each mobile home, in accordance with applicable state and local rules and regulations.

8. BUFFER STRIPS

Buffer strips, not to exceed 50 feet, shall be required in those areas where the adjacent residential density, either as built or as required in Article I of this Code, is less than half of the mobile home park density.

No structures, streets, or utilities may be placed in the buffer strip, except that they may cross a buffer strip to provide services to the park.

NOTE: Lots may extend into the buffer strip but structures may not.

9. OPEN SPACE

For mobile home parks served by public sewer, the Planning Board may not require that an area greater than 10% of the total area devoted to individual lotsbe set aside for open space and/or recreation. Such space shall be accessible and usable by all residents of the park. Parking space, driveways and streets, and buffer areas are not considered usable open space; community recreation buildings, pools, and courts are recorded as such on the park plan. The owner or operator of the mobile home park shall be responsible for the maintenance of the open space(s).

The Planning Board, at its discretion, may reduce the requirement for open space if a public park is located within 1\2 mile of the mobile home park and is easily accessible.

Except as herein noted, the standards for open space(s), as found in Article II, **SECTION IV RESIDENTIAL DEVELOPMENT STANDARDS** of this Code, shall apply.

10. ROAD STANDARDS

The layout and general development plan for major and minor access streets and driveways within the mobile home park, together with the locations and dimensions of access junctions with existing public streets, roads, and rights-of-ways, shall be approved by the Presque Isle Planning Board. Documentation of other required permits and approvals shall be presented prior to final Planning Board approval.

a. Privately owned roads within a mobile home park shall be designed by a State of Maine registered Professional Engineer, and shall, as a minimum, be built according to the road standards developed and adopted by the Maine Manufactured Housing Board.

b. Roads within a mobile home park which are to be offered for acceptance by the City of Presque Isle shall be designed and constructed in accordance with the specifications established in Article II, **SECTION V DESIGN STANDARDS FOR PUBLIC ROADS & STREETS**, of this Code.

c. All private two-way roads within a mobile home park shall have a minimum right-of-way of 23 feet, of which 20 feet shall be paved. On-street parking shall be prohibited, unless a minimum eight-foot parking lane is provided, in which case on-street parking may be permitted on the side of the road where the parking lane is located.

d. All private one-way streets within a mobile home park shall have a minimum right-of-way of 18 feet, of which 14 feet shall be paved. On-street parking shall be prohibited, unless a minimum eight-foot parking lane is provided, in which case on-street parking may be permitted on the side of the road where the parking lane is located.

e. For mobile home parks expected to generate 200 trips per day or less (industry standards indicate that each unit in a mobile home park can be expected to generate 5 trips per day), paving may be accomplished through the use of either hot bituminous pavement or chip-sealing, installed in accordance with accepted paving industry standards.

f. For mobile home parks expected to generate in excess of 200 trips per day, paving shall be accomplished with hot bituminous pavement, installed in accordance with accepted paving industry standards.

g. For mobile home parks expected to generate in excess of 200 trips per day, there shall be at least two entrances from public streets or roads.

h. No mobile home lot may have vehicular access directly onto a public street, road, or way that is outside the bounds of the mobile home park.

11. REFUSE DISPOSAL

Each mobile home lot shall be provided with an area for refuse storage. Within a maximum of 150 feet from each mobile home lot, there shall be a fly-tight, watertight, and rodent-proof container capable of storing the amount of refuse that the mobile home for which it was designed could generate in one week. The park management shall dispose of refuse from said containers by transporting the refuse in a closed truck to the City disposal facility at least once each week.

D. PERFORMANCE STANDARDS FOR MOBILE HOMES

1. General Requirements.

   a. No mobile home shall be utilized for any purpose other than a single-family dwelling. A mobile home not meeting all requirements of this ordinance in which the use as a single-family dwelling is discontinued fora period of six (6) months must be removed from the lot and properly disposed of. The Code Enforcement Officer may extend this period no more than three (3) months.

   b. All mobile home units to be located within the City of Presque Isle from outside of the City and any mobile home unit from within the City to belocated to another lot within the City shall be on a permanent foundation, have residentialsiding; have a pitched roof covered with shingles or other material as required by the Maine Uniform Building and Energy Code (MUBEC), meets the requirements of Section 2. Below, and be approved by the Code Enforcement Officer. The design and construction requirements contained herein shall be applied to all units moved or relocated withinthe City.

   c. Any mobile home unit to be relocated to the City of Presque Isle from outside of the City and any mobile home unit from within the City to be relocated to another lot within the City shall have all required improvements completed and certifications for the mobile home unit priorto moving the unit to any lot. Under no circumstances shall the mobile home unit be occupied until a building permit has been obtained by the Code Enforcement Officer and a Certificate of Occupancy been issued by the Code Enforcement Officer. If there are any questions concerning the movement or placement of a mobile home unit in the City the owner or applicant shall contact the Code Enforcement Officer.

   d. It shall be unlawful to locate / relocate any mobile home unit in the City without first obtaining a building permit issued in conformity with this ordinance from the Code Enforcement Officer. An application for a building permit shall be obtained from and returned to the Code Enforcement Office in writing and be signed by the applicant. Such application shall include information as lawfully may be required and shall include a site plan.

   e. A mobile home may be permitted on the site of a construction project fornot more than two (2) consecutive six (6) month periods provided that a special permit is issued by the Code Enforcement Officer for each six (6) month period. Such permit may only be issued if the Code Enforcement Officer is satisfied that:

i. The mobile home is a necessary convenience for the construction project and is clearly subordinate to such project;and

ii. No health hazards or problems of sanitation will be caused byimproper disposal of sewage from the mobile home.

2. Mobile Homes

a. 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 Stands Act or 1076, US Code, Title 42,
   i. Chapter 70, to be located on an individual lot or in a mobile home park in the City.

3. Exit Facilities – Exterior Door.

a. Required egress doors shall not be located where a lockableinterior door must be used to exit.

b. 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 length of travel between doors. One of the required doors must be accessible from the doorway of each bedroom without traveling more than 35'.

4. Exit Facilities – Egress Windows and Devices.

Homes shall have the following emergency egress facilities:

a. Every room designed expressly for sleeping purposes, unless it has an exit door, shall have at least one (1) 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.

b. The bottom of the window shall not be more than 44" above the floor.

5. Fire Detection Equipment.

a. At least one operating smoke detector shall be installed inthe home in the following locations:

i. A smoke detector shall be installed on any wall in thehallway or space communicating with each bedroomarea and in each bedroom.

ii. When located in hallways, the smoke detector shall be between the return air intake and the living area.

iii. The smoke detector shall not be placed in a location that impairs its effectiveness.

iv. Smoke detectors shall be labeled as conforming to the Underwriters Laboratory Standards No. 217, Third Edition, 1985.

v. Each smoke detector shall be installed according to its listing.

6. Kitchen

   a. 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.

   b. The metal hood shall not be required if there is an oven installed between the cabinet and the range.

   c. Ranges shall have a vertical clearance above the cooking top of not less than 24" to the bottom of the combustible cabinets.

7. Roof Loads.

   a. All mobile homes with roofs added after construction shall require the Code Enforcement Officer to inspect the roof to determine that the roof can hold one hundred (100) pounds per square feet.

8. Heating and Fuel Burning System.

   a. 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 adapted by the Board, or other applicable standards.

9. Electrical System.

   a. A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect an certify that electrical systems is safe and meets the requirements of the National Electrical Code in effect on the date the home was constructed.

SECTION VII SIDEWALK STANDARDS

A. Pedestrian Circulation

1. The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development.
   a. Sidewalks must connect the major building entrances/exits with parking areas and with existing sidewalks, if they exist or are planned for the vicinity of the project. Sidewalks may be located either in the street right-of-way or outside of the right-of-way in public areas. Sidewalks should link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect with amenities such as parks or open space on or adjacent to the site.

   b. Where an existing or planned public sidewalk is interrupted by a proposed project driveway, the sidewalk material must continue to be maintained across the driveway, or the driveway must be painted to distinguish it as a sidewalk. Further, if street trees exist on an adjacent property, street trees must be planted, in a like manner, on the new site.

   c. If a sidewalk exists on property abutting the development, it shall be extended into the development. In urban situations, widening of the sidewalk onto private property to encourage window shopping and an improved streetscape is encouraged. Benches, sculpture, planters and another street furniture are encouraged.

B. SIDEWALK LAYOUT DESIGN

1. The layout and design of new sidewalks in a Street Design Classification designated must conform to the following standards:

   a. Definitions

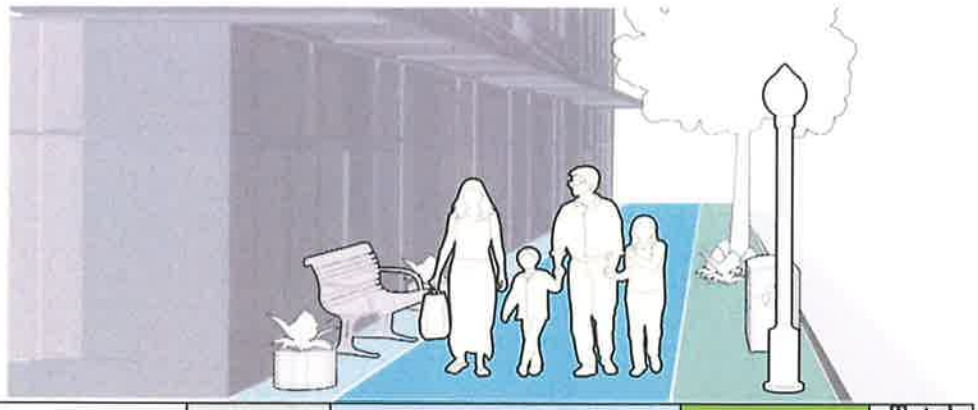
      i. **Frontage Zone:** is the area next to the Pedestrian Through Zone that is abutting or adjacent to the private property line

      ii. **Furnishing Zone:** buffers pedestrians from the adjacent roadway and is where sidewalk infrastructure such as street trees, driveway approaches, signal poles, utility poles, streetlights, controller boxes, stormwater management, bicycle parking, hydrants, signs, parking meters, driveway aprons, grates, and street furniture such as benches should be located

      iii. **Pedestrian Through Zone**: is the area of the sidewalk corridor intended for pedestrian travel. The Pedestrian Through Zone should be entirely free of above-ground permanent and temporary objects in order to provide an obstruction-free, continuous corridor for people to travel.

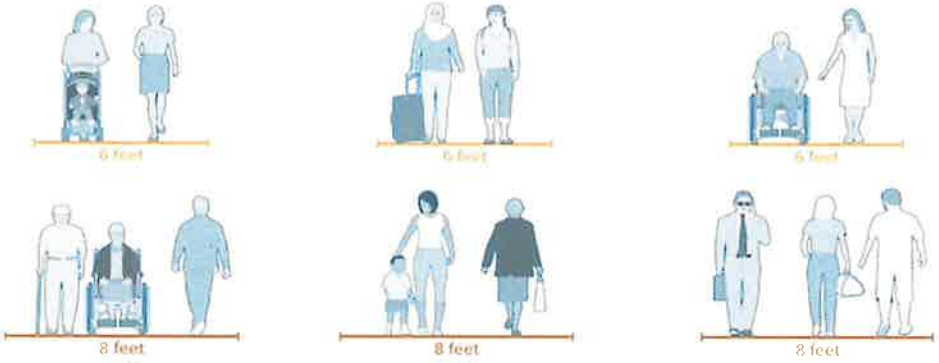
2. Minimal Widths for Sidewalk Layout on City Streets

   a. Below are proposed layout widths for sidewalk layouts throughout the City's Zones to include six-inch curbing and street layout standards of Article 2, Section V.



Street Design Classification	Frontage Zone (Min. Distance)	Pedestrian Through Zone (Min. Distance)	Furnishing Zone (Min. Distance)	Total Minimal Width
Downtown Retail Business Zone	2.5'	8'	4'	14.5'
Residential Zone Streets	0.5'	5'	5'	10.5'
Business, Retail Business & Industrial Zone	1.5'	5'	6'	12.5'

Illustration of Comfortable Walking Widths



3. SNOW REMOVAL & MAINTENANCE

   a. All properties with new and existing sidewalks shall comply with Chapter 24 of the Sidewalk Snow Removal Ordinance for the City at property owner's expense.

4. WAIVER FROM STANDARDS

   a. A developer may request the Planning Board to waive the construction and installation of new sidewalks that meet the standards of this Section if:
      i. The proposed development does not a but an existing sidewalk infrastructure or residential neighborhood

ii. The site of the proposed development does not exhibit signs of desire paths

b. Should a waiver be granted by the Planning Board, the Developer will be required to place a note on the proposed plan and within the property's deed understanding that the City may in the future require the construction and installation of a sidewalk on the proposed property at the property owner's expense should pedestrian activity warrant installation.

SECTION VIII STORMWATER & EROSION/SEDIMENT CONTROL

A. PURPOSE

The purpose of this section is to ensure development taking place within the City meets the minimum stormwater and erosion standards as established herein to protect the health and safety of the public from the negative impacts of flooding and water pollution.

B. STORMWATER RUNOFF/SNOW & 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.

C. SOIL SUITABILITY

1. In all districts, the approval of building permit applications shall be subject to evidence of satisfactory subsurface soil conditions for sewage disposal, and where on-site septic disposal is proposed, shall be subject to prior obtainment of a plumbing permit.

2. The requirements and standards of the State of Maine Department of Environmental Protection, Maine Department of Human Services and latest revised edition of the State Plumbing Code shall be met.

D. PREVENTION OF EROSION

1. No person shall perform any act or use of the land in a manner which would cause substantial or avoidable erosion, create a nuisance, or alter existing patterns of natural water flow in the City. This shall not affect any extra active operations complying with the standards of performance specified elsewhere in this Code.

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2. All development shall generally comply with the provisions of the "Environmental Quality Handbook, Erosion and Sediment Control" published by the Maine Soil and Water Conservation Commission. Special consideration will be given to the following:

    a. Select a site with the right soil properties, including natural drainage andtopography, for the intended use.

    b. Utilize for open space uses those areas with soil unsuitable for construction.

    c. Preserve trees and other vegetation wherever possible.

    d. Hold lot grading to a minimum by fitting the development to the natural contour of the land; avoid substantial areas of excessive grade.

    e. Spread jute matting or straw during construction in critical areas subject to erosion.

    f. Construct sediment basins to trap sediment from run-off waters during development. Expose as small an area of subsoil as possible at any one-time during development and for as short a period as possible.

    g. Provide for disposing of increased run-off caused by changed land formation,paving and construction, and for avoiding sedimentation of run-off channels, on or off the site.

    h. Plant permanent vegetation and install structures as soon as possible for thepurpose of soil stabilization and revegetation.

    i. All logging roads shall be located, constructed and maintained in conformancewith the erosion prevention provisions of the "Permanent Logging Roads for Better Woodlot Management" published by the U.S. Department of Agriculture.

E. FLOOD PLAIN AREA

Land along rivers, streams and ponds which is subject to flooding through storm or seasonal action, called flood plain areas, may be used for woodland, grassland, agriculture or outdoor recreational use. The Code Enforcement Officer shall maintain a map showing known flood plain areas, and no building shall be constructed herein. Flood plain areas shall be considered as those areas within the 100-year frequency flood plain as identified by an authorized Federal or State agency, or where such identification is not available, are located on flood plain soil identified and described in the Northeastern Aroostook County Soil Survey to comprise the following solid types: Hadley (Ha); Winooski (Wn); Mixed Alluvial (Mn).

F. STORMWATER PLAN

Prepared by a Maine Professional 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.

1. Stormwater Management Plan Standards

   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 installed at the developer's expense and 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 Presque Isle, ME.

   c. The proposed stormwater management system shall be designed by a Maine 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 twenty-five (25) 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 unless approved otherwise by the Public Works Director or City Engineer. 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 rip-rap 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.

G. 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 unless otherwise approved by the Public Works Director or City Engineer. 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 or Corrugated Aluminum Alloy	Aluminum Coated CMP Polymer Coated Corrugated Metal Pipe) CMP
15" - 24"	14 Gauge	16 Gauge
30" – 36"	12 Gauge	14 Gauge
42" – 54"	10 Gauge	12 Gauge
60" - 72"	8 Gauge	10 Gauge

3. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing by action of the Planning Board, after consultation with the Director of Public Works or City Engineer.

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.

5. 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.

SECTION IX SOLID & HAZADOUS WASTE MANAGEMENT

A. PURPOSE

The purpose of this standard is to provide uniform policies to address adequate wastewater, solid waste and water supply to development within the City.

B. SOLID WASTE DISPOSAL

1. Refuse cans shall be provided which have tight fitting covers and provision shall be made for the regular removal of refuse from the park and any condition which may provide harborage for rodents shall be prevented.

2. The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes. A copy of the application shall be provided to the Public Works Director or City Engineer for timely review and comment.

    a. All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
    b. 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.
    c. All commercial and industrial developments should devote floor space suitable to accommodate recycling containers designed to hold at least one cubic yard of recyclable materials.

3. If 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 Planning Board may not require the alternate arrangement to exceed a period of five (5) years.

C. WATER SUPPLY REQUIREMENTS

1. Public Water Supply

    a. Any development within 1000 feet of a public water supply, at its nearest point, shall connect to the public water supply system.

    b. 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 Presque Isle Utilities District (PIUD). Service provided shall be a minimum of 20 psi. and 500 gallons per minute. The Fire Chief shall review the system for minimal provision of service.

c. A proposed development shall not generate a demand on the source, treatment facilities, or distribution system of the PIUD 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.

d. The public water supply system(s) plan and related equipment for the development shall be designed by a Maine Registered Professional Engineer in full compliance with the requirements for drinking water within the State of Maine and shall be approved by the Planning Board. Any improvements are subject to PIUD review and approval.

2. Private Individual Wells

a. 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.

b. Dug wells shall be prohibited. The applicant shall prohibit dug wells by deed restrictions and a note on the final recording Plan.

c. 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 affected lots.

d. 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.

e. Lot design shall permit placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface water disposal areas in compliance with the requirements for drinking water within the State of Maine and with the "State of Maine Subsurface Wastewater Disposal Rules".

3. General Requirements for Septic/Sewage Disposal Systems

a. 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.

b. Construction of sewers and septic systems shall be carefully inspected to insure proper installation.

c. 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.

d. Provisions shall be made to maintain sewer and septic systems.

e. Sewers and drainage systems shall be designed to insure that stormwater does not enter sanitary sewers.

f. 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.

g. Chemicals, industrial wastes, floor drains and stormwater drains (i.e. roof drains) shall not be discharged to septic systems.

4. Public Sewage Disposal

a. Any non-residential or subdivision 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 Presque Isle Utilities District (PIUD), to allow future connection when service becomes available without excavation within the right-of-way of any road within the development.

b. 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.

c. The PIUD 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.

d. The PIUD 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.

e. The public sewage disposal system(s) and related equipment for the development shall be designed by a Maine Professional Engineer in full compliance with the requirements of the "State of Maine Subsurface Wastewater Disposal Rules" and shall be approved by the Planning Board.

5. Private Sewage Disposal

a. When a proposed development is not within 1000 feet of a public sewage disposal system, at its nearest point, connection to the public system should not be encouraged. 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 PIUD.

b. 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".

c. 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 "State of Maine Subsurface Wastewater Disposal Rules".

d. 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.

SECTION X SCREENING & BUFFERING STANDARDS

A. PURPOSE

The purpose of this section of standards is to provide uniformity screening and buffering standards for residential subdivisions and commercial development.

B. SITING & 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. 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.

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SECTION XI EXTERIOR LIGHTING STANDARDS

A. PURPOSE

To protect the surrounding community, new residential subdivision and commercial development shall follow the following standards that allow for the installation of safe exterior lighting for the property while shielding the impact on neighboring parcels.

B. GENERAL STANDARDS

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. Dark sky technology (directing light downward) must be applied to all new residential and commercial development.

1. The maximum height of free-standing lights shall be the same as the principal building, but not to exceed forty (40) feet.

2. The Planning Board shall determine the necessity for lighting of parking areas.

3. 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.

4. Direct or indirect illumination shall not exceed 0.6 foot-candles upon abutting residential properties.

5. Required Light Levels:

    a. Parking areas or lots: An average of one and one-half (1.5) foot-candles throughout.
    b. Intersections of parking areas or lots: Three (3) foot-candles.
    c. Maximum at property lines: One (1.0) footcandle.
    d. In residential areas: Average of six-tenths (0.6) footcandle.

SECTION XII LAND USE STANDARDS

A. PURPOSE

The Purpose of this section is to offer additional standards that are directed for specific uses as defined by this Ordinance. These standards shall apply to uses that are being reviewed by the Planning Board, Zoning Board of Appeals, & City Staff under this Ordinance with the strictest standards being required when approving all plans and permits.

B. AGRICULTURE

1. All agricultural activities must be conducted in accordance with all applicable laws, rules, and standards, including but not limited to: the Right to Farm Law [17 M.R.S.A., Section 2805] and the Maine Nonpoint Source Control Program [38 M.R.S.A. c. 3, subsection-C:I].
2. Agricultural practices shall be conducted to minimize solid erosion, sedimentation, contamination, and nutrient enrichment of ground and surface waters.
3. All spreading or disposal of manure shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land published by the University of Maine Solid and Water Conservation Commission in July, 1972, or subsequent revisions thereof.
4. Manure shall not be stored or stockpiled within one hundred (100) feet horizontal distance, of a great pond or a river, or within one hundred (100) feet horizontal distance of other water bodies, tributary streams, or wetland. Within five (5) years of the effective date of this section of the Code 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. Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision within the above five (5) year period.
5. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading, disposal or storage of manure within the Shoreland Zone shall require a Solid and Water 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 Code.
6. 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; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of this section of the Code and not in conformance with this provision may be maintained.

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7. After the effective date of this section of the Code, 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; within seventy-five (75) feet, horizontal distance of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of 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 Soil and Water Conservation Plan.

C. BED & BREAKFAST INN

The following use standards are required for all Bed & Breakfast Inn operations as defined in Article 1:

1. the general public can stay overnight;
2. provides guests with a limited menu serving only a breakfast meal prepared in the home;
3. requires a Lodging license from the Maine Department of Health & Human Services under 10-144 Chapter 206 regardless of the number of rooms
4. provides temporary lodging for less than thirty (30) days;
5. provides such temporary lodging in four (4) or more rooms for guests;
6. has a manager of the inn residing on the premises; and
7. does not provide the accessory uses associated with a hotel/motel.

D. DOG DAYCARE

1. These facilities shelter dogs indoors and have adequate space for a fenced run outside.
2. Owners of dog daycares must supply a mitigation plan for animal waste in addition to the other control plans set forth in the Land Use Code.

E. HOME OCCUPATION TYPE A

All Home occupation Type A as defined in Article 1 shall follow the following standards:

1. The activity clearly is incidental, secondary, and accessory to the use of the dwelling for residential purposes;

2. No more than 25% of the floor area of the dwelling, not to exceed 500 square feet, shall be used for the home occupation, or, a detached accessory building of not more than two hundred (200) square feet in area may be used for such home occupation;

3. One person outside of the dwelling may be employed in the home occupation;

4. No storage of explosives or highly flammable or extremely hazardous materials, as defined by the U.S. Environmental Protection Agency, is allowed on the premises;

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F. HOME OCCUPATION TYPE B

All Home occupation Type B as defined by Article 1 shall follow the following standards:

1. The activity clearly is incidental, secondary, and accessory to the use of the dwelling for residential purposes;

2. No more than 25% of the floor area of the dwelling, not to exceed 500 square feet, shall be used for the home occupation, or, a detached accessory building of not more than two hundred (200) square feet in area may be used for such home occupation;

3. One person outside of the dwelling may be employed in the home occupation;

4. No heavy commercial deliveries are allowed on the site;

5. No storage of explosives or highly flammable or extremely hazardous materials, as defined by the U.S. Environmental Protection Agency, is allowed on the premises;

6. The storage and delivery of goods, stock, and/or materials is allowed only for items manufactured, produced, created, or grown as product(s) of the home occupation and which are to be sold off-premises. All other sales, display, stock, and/or materials are prohibited;

7. No more than five (5) clients per day, and only two (2) clients at a time, are allowed on site;

8. Motor vehicle and bicycle parking necessitated by the conduct of any home occupation shall be provided on site;

G. NON-COMMERCIAL KEEPING OF LIVESTOCK

The following use standards are required for the Non-Commercial Keeping of Livestock as defined in Article 1:

1. Species Prohibited in Residential Zones
    a. Roosters, Guineafowl, peacocks, turkey, geese, ducks, goats, cows, horses, sheep, pigs, are prohibited in residential zones (URZ, SRZ, SCZ, DRBZ, GDZ, BZ, & ROZ)
2. Animal Density
    a. The following Animal Unit (AU) table shall limit the total concentration of animals on a property for non-commercial purposes. An animal unit (AU) is the equivalent of 1,000 lbs. of animal per acre. For smaller species numerous animals can be added up to determine the number of animals allowable under the maximum animal density for a given zone. Fractional acres will take the limit and adjust accordingly. ***If fractional animal, the animal is prohibited on the parcel proposed to be occupied.***
    b. Property owner approval is required before residents in rental properties can own livestock on the premise

Zone	AFFZ	AHZ	BZ	DRBZ	GDZ	IZ	RBZ	ROZ	RRZ	SCZ	SRZ	URZ
Max AU Allowed for animals not defined	.144	.144	.072	.072	.072	.072	.072	.072	.072	.072	.072	.072
Common Animal Limits per Acre (X=Prohibited)												
Chickens (6 lbs.)	24	24	12	12	12	12	12	12	12	12	12	12
Rabbits (10 lbs.)	14	14	7	7	7	7	7	7	7	7	7	7
Cows (1000-1400 lbs.)	1	1	X	X	X	X	X	X	X	X	X	X
Pigs, Sheep, Goats	3	3	X	X	X	X	X	X	X	X	X	X

3. Manure Management
    a. A manure management plan must be supplied to the City.
    b. Keeping livestock in residential zones (URZ, SRZ, SCZ, DRBZ, GDZ, BZ, & ROZ) will require the owner to remove animal waste every seven (7) days during trash collection.
    c. The AHZ & AFFZ may compost manure on site if fly and odor controls are not causing complaints from abutters.
4. Running-at-Large Prohibited
    a. All livestock are prohibited from running at large in the community whether on landowner's property or abutters and animals must be confined with fencing or caging on premise.
    b. Chickens and rabbits kept in residential zones and urban compact (URZ, SRZ, SCZ, DRBZ, GDZ, BZ, & ROZ) must be confined within an enclosed hutch or coop structure with or without a caged run and shall not be located near an abutting residential dwelling.
        i. Caged runs shall meet the setbacks of zones
        ii. All structures housing livestock shall follow specs outlined as guidance from the Maine Cooperative Extension
5. Rodent & Vermin Mitigation
    a. All food shall be kept in a secure chew-proof container for all food and treats on the premise that keeps livestock.
    b. Treats and table scraps (pieces of fruit and vegetable) provided to livestock shall be cleaned up daily by owner before dusk.
    c. All eggs shall be collected twice daily (morning & evening) to prevent access by vermin
    d. All coop and hutches that have access to a caged run shall be closed at night daily to prevent access by vermin.
    e. The use of scratch grains for poultry shall be limited to use in the morning to avoid excess grains to be available to vermin at dusk.
    f. Use of culling traps are required if evidence of rodents or vermin are present.

H. MARIJUANA BUSINESSES

All establishments must follow the requirements and be accepted in only the allowable zones mentioned in Chapter 59A of the City's Adult Use and Medical Marijuana Businesses Ordinance.

I. MINERAL EXPLORATION AND EXTRACTION

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 Code Enforcement Officer, following approval of an application for special exception by the Zoning Board of Appeals and review of plans by the Planning Board, in accordance with the provisions of this Code, 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. Top soil, rock, sand, gravel, and similar mineral materials may be removed from locations where permitted under the terms of this Code only after a special permit for such operations has been issued by the Code Enforcement Officer, upon approval of an application for special exception by the Zoning Board of Appeals and review of plans by the Planning Board, in accordance with the provisions of this Code, and provided that nothing herein shall be deemed to apply to normal excavation operations incidental to construction activities for which a valid permit is held.

   The following standards shall be met:

   a. Specific plans shall be established to avoid hazards from excessive slopes or standing water.

   b. The operation shall be shielded from surrounding property with adequate screening.

   c. No water source shall be disturbed.

   d. No excavation shall be extended below the grade of adjacent streets unless 100 feet from the street line or unless provision has been made for reconstruction of the street at a different level.

   e. There shall be a distance of at least twice the depth of the excavation between the edge of the digging or quarrying activities and the property lines.

   f. A surety bond, payable to the City in an amount recommended by the City Manager and approved by the City Council shall be filed with the City Clerk of Presque Isle. The amount shall be sufficient to guarantee conformity with the provisions of the grant of approval.

3. Mineral extraction may be permitted under the following conditions:

   a. In considering special permits for removal of mineral materials, the Board of Appeals shall take into consideration the following items:

      i. Fencing, landscaped buffer strips, public safety
      ii. Advertising signs, lighting

iii. Parking space, loading and unloading areas
iv. Entrances and exits
v. Time period for operation
vi. Hours of operation
vii. Methods of operation
viii. Weight and loading limit of trucks
ix. Ecological and other natural considerations, including excessive erosionand sedimentation
x. Coverage of loads and prevention of sand and gravel spillage upon public streets
xi. Rehabilitation proposals

b. 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 paragraph e. below.

c. Specific plans outlining the methods to be used to avoid hazards fromexcessive slopes or standing water must be presented to the Planning Boardfor review and approval before a permit is granted.

d. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A., Section 480-C, no part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet of the normal high-water line of a great pond or a river, and withinone hundred (100) feet of the normal high-water line of any other water body,tributary stream, or the upland edge of a wetland of significant importance asdefined within the NRPAM Title 38, M.R.S.A. All other non-significant wetlands as defined in Article 1, **SECTION IV RESIDENTIAL DEVELOPMENT STANDARDS**, Definitions, shall not require a setback from the upland edge of said wetland, but the wetland area itself willbe treated like all other wetlands. Extraction operations shall not be permitted within seventy-five (75) feet of any property line, without written permissionof the owner of such adjacent property.

e. 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:

i. 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.

ii. Where an embankment must be left upon the completion of operations, it shall be at a slope *not* steeper than 1-foot vertical to 4 feet horizontal.

iii. 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, adequate to meet the provisions of the "Environmental Quality Handbook Erosion and Sediment Control", published by the Maine Soil and Water Conservation Commission. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

f. In keeping with the purposes of this section of the Code, the Zoning Board of Appeals and/or the Planning Board may impose such conditions as are necessary to minimize the adverse effects associated with mineral extraction operations on surrounding uses and resources and to safeguard the health, safety, and welfare of the community.

J. WIND ENERGY SYSTEMS (SWES)

1. Purpose

To provide local regulation of Wind Energy Systems (WES) within the City of Presque Isle, to preserve and protect public health and general welfare without significantly increasing the cost to owners nor decreasing the efficiency of such systems.

2. Authority

a. The City of Presque Isle Planning Board is vested with the authority to review andapprove/deny a building permit application for a WES taller than 60 feet in height. Prior notification of abutters is required, as well as a public hearing in accordancewith applicable legal provisions.

b. The City of Presque Isle Code Enforcement Officer is vested with the authority to review and approve/deny a building permit application for a WES less than 60feet in height. ***Prior notification of abutters is required, as well as a public hearingin accordance with applicable legal provisions.***

3. Medium and Large Utility and Community Wind Energy Systems

Larger utility scale and community wind energy systems are not regulated by this ordinance. Larger turbines are an integral aspect of developing renewable energy within the City and State. Since there are a host of other issues related to the siting of these larger sized wind energy systems, they require a separate regulatory and permitting procedure. Nothing in this section or any other section or standard of this code shall be construed as prohibiting wind energy systems of greater height or power generating capacity (output) produced in the following zones in the City, subject to application to and regulation by appropriate State and/or Federal agencies:

Agricultural Farming / Forestry Zone (AFFZ);

4. Standards

a. *Number Per Lot.* On lots of less than one acre in size, a maximum of one WES is permitted per lot. On lots of one acre or larger multiple WES are permitted in accordance with applicable regulatory statutes of the Maine Public Utilities Commission or other governing oversight authority.

b. *Power Generation.* The maximum generation capacity for one Wind Energy Systems (WES) shall not exceed 25 kW.

c. *Height.* This section shall regulate the height of the wind energy systems and shall preempt any other section of this ordinance that regulates height of structures. The following height limitations shall apply to all zones in which WES installations are a permitted use as listed in section.

i. **Small Wind Energy Systems**-No part of a small wind energy system, included but not limited to rotor blades, shall extend above sixty (60) feet above the grade of the base of a free-standing tower or building to which the system is attached unless approved in accordance with Section B.1 above. No building mounted system may extend more than twenty (20) feet above the roofline ofthe building to which it is attached.

ii. **Medium Wind Energy Systems**- No part of a medium wind energy system, included but not limited to rotor blades, shall extend above one hundred andtwenty (120) feet above the grade of the base of a free-standing tower or building to which the system is attached.

iii. **Large Wind Energy Systems**- No part of a large wind energy system, included but not limited to rotor blades, shall extend above two hundred (200) feet above the grade of the base of a free-standing tower except with the approval and authorization of the Federal Aviation Administration and other oversight agencies or entities.

2. Setbacks

a. Wind towers for Wind Energy Systems shall be set back a distance of 1.5 times the height of the highest point of the turbine blade, described above, measured at the outside edge of the base of the tower. This setback distance may be reduced to 1.1 times the height of the highest point of the turbine blade, if documentation is provided that the public safety (personal and property) will not be jeopardized by doing so. All building mounted wind energy systems that rely on the building structure for their support do not require any setback.

i. All property lines, unless appropriate easements are secured from adjacent property owners.
ii. All inhabited or inhabitable residential structures, other than those owned or inhabited by the owner.
iii. All overhead public utility and telephone lines, unless written permission is granted by the affected utility or telephone company.
iv. Public and private road rights-of-way, unless written permission is granted by the owner(s) with jurisdiction over said right(s)-of-way.
v. Other rights-of-way, including railroads, utility corridors, etc.
vi. Other Small Wind Energy Systems, telecommunications towers

b. WES shall be setback a distance of 1.5 times the highest point of the turbine blade, as described above, from any habitable building on adjoining properties.

c. In no case shall a Wind Energy Systems be permitted within the front, side, or rear setback of any property.

d. Guy cables for a Wind Energy Systems shall be setback at least ten feet to any property line, unless appropriate easements are secured from adjacent property owners.

3. Access and Safety

a. The minimum distance between the ground and the rotor blade shall be 15 feet.
b. The tower's climbing apparatus shall be no lower than 15 feet from the ground on a mono-pole installation or in the case of a lattice tower, the WES must havea locked security fence completely around the perimeter to prohibit unauthorized access.
c. All access doors to WES towers and electrical equipment shall be clearly labeled as such and shall be locked except during maintenance.

4. Lighting

Wind Energy Systems shall not be artificially lighted, except to the extent required by the Federal Aviation Administration or other applicable authority.

5. Electrical

Electrical controls and control wiring shall be wireless or underground except where necessary to connect the Wind Energy System to the transmission or distribution network, adjacent to that network, and shall comply with the latest adopted versions of the NFPA 70 (NEC). Applicant will provide appropriate proof of inspection & testing by the utility and/or transmission provider prior to system being energized.

6. Design and Aesthetics.

   a. WES shall have a color or finish that is non-reflective and non-obtrusive (galvanized steel, brushed aluminum, or white) as was originally applied by the manufacturer, unless otherwise required by the Federal Aviation Administration.
   b. At WES sites, the design of buildings and related structures shall use materials, colors, screening and landscaping that will blend the Wind Energy System to the natural setting and existing environment and structures.
   c. Wind Energy Systems shall not be used for displaying any advertising except for the reasonable identification of the manufacturer of the Wind Energy System that may be placed on the nacelle or on an unobtrusive nameplate.

7. Noise.

   Audible noise due to wind energy facility operations shall not exceed fifty five (55) DBA for any daylight period or forty-five (45) DBA for any nighttime period, when measured at any occupied residence, school, hospital, church or public library existing on the date of approval of the wind energy facility. Exception is granted during short term events, such as severe wind storms and utility outages.

8. Code Compliance.

   A Wind Energy System shall comply with all applicable Federal, State, and Local Building and Electrical Codes.

9. Met Towers.

   a. Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a Wind Energy System.
   b. Met towers are permitted on a temporary basis only, to remain in use for 3 years or less.

12 Utility Notification and Interconnection. -Written evidence that the provider of electrical service to the property has been notified of the intent to connect an electric generator to the electricity grid, if such connection is proposed.

13. Safety Related Control Systems- Safety Related Control Systems consist of electrical and mechanical hardware and software which operate to control and protect the wind energy system. The SRCS must be in place to control and govern the electrical output of the WES, as well as monitoring the rotation and the preventing over-speed of the rotors and turbine.

10. Building & Electrical Permits.

A building & electrical permits shall be required for the installation of a Wind Energy System.

11. Site Plan Required.

The building permit application shall be accompanied by a site plan that includes the following:

a. Property lines and physical dimensions of the subject parcels;
b. Location, dimensions, and types of existing structures on the subject parcels;
c. Details on any rights-of-way contiguous with the subject parcels;
d. Any overhead utility lines on the subject parcels;
e. Location of the proposed WES tower and associated structures and equipment.

12. Location Plan Required.

The building permit application shall be accompanied by a location plan depicting the following:

a. Location of the proposed WES tower and associated structures and equipment;
b. The location of all inhabited or inhabitable residential structures within 250 feet of the proposed location of the WES tower;
c. All overhead public utility and telephone lines within 250 feet of the proposed location of the WES tower;
d. All public and private road rights-of-way within 250 feet of the proposed location of the WES tower;
e. Other rights-of way, including railroads, utility corridors, etc., within 250 feet of the proposed location of the WES tower;
f. Other wind energy systems towers, telecommunications towers, met towers,and water towers within 250 feet of the proposed location of the WES tower; and
g. Distances between the proposed WES tower and all of the above.

13. Documents Required.

The building permit application shall be accompanied by the following supporting material:

a. Copies of any recorded easements necessary to meet the setbacks requirements as contained in subsection D.3 above;
b. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed);
c. Evidence that the proposed height does not exceed the height recommended by the manufacturer or distributor of the Wind Energy System;
d. Tower foundation blueprints or drawings must be approved by the Emerging Technologies program of the California Energy Commission or any other wind energy certification program recognized by the American Wind Energy Association, the manufacturer of the installation or completed and/or reviewed and stamped by a Maine Licensed Professional Engineer, with seal; and
e. Structural analysis and/or drawings must be provided by the manufacturer or qualified engineer showing foundation and anchor designs along with specifications for suitable soils/bedrock conditions at the chosen installation site.
f. Other supporting documentation as deemed necessary by the Code Enforcement Office.
g. Copy of Federal Aviation Administration's "Letter of Determination" in accordance with provisions within FAA's Part 77 for any construction within one (1) mile of the airport boundary or in excess of 200 feet in height.

14. Fees.

The fee required for a Building Permit from the Code Enforcement Office must be submitted with the application for a Building Permit for a Wind Energy System.

15. Expiration.

A permit issued pursuant to this section shall expire if the Small Wind Energy System is not installed and functioning within 12 months from the date the permit is issued.

16. Removal of Unsafe/Abandoned Small Wind Energy Systems.

a. *Unsafe.* Wind Energy System found to be unsafe by the Code Enforcement Office shall be immediately shut down and removed or if repaired by the owner with a written statement of correction required to be presented to the Code Enforcement Office within ten (10) days to meet current Federal, State,and Local Safety Standards.

b. *Abandonment.* A Wind Energy System that is not used for a consecutive 12- month period shall be deemed abandoned. The Code Enforcement Office shall notify the owner by mail or phone and owner shall provide a response within 10 business days. The landowner shall set forth in writing reasons for the operational difficulty and provide a reasonable timetable for corrective action.

c. *Code Officer's Determination.* After receiving the response, if the Code Enforcement Office still determines the WES is abandoned, the owner of a Wind Energy System shall remove the wind turbine from the tower at the Owner's sole expense within 30 days from receipt of the original notice fromthe Code Enforcement Office.

d. The Code Enforcement Officer may require the applicant or owner of a WES to provide a form of surety *(i.*e. post a bond, letter of credit or establish an escrow account or other liability mechanism) at the time of construction to cover costs of the removal in the event that the City of Presque Isle must remove the facility/installation.

e. It shall be deemed unlawful for any person, corporation or other legal entity to construct, install or operate a wind energy system that is not in compliancewith this ordinance. Wind energy systems installed prior to the adoption ofthis ordinance are exempt.

f. Any person, corporation or legal entity who fails to comply with any provision of this ordinance shall be subject to enforcement and penalties upon conviction in accordance with the provisions of **Title 30-A, MRSA Section 4452** or other applicable statute.

g. Any physical modification to an existing Wind Energy Facility that materially alters the location or increases the area of development on the site or that increases the Turbine Height or the level of sound emissions of any Wind Turbine shall require a permit modification under this Ordinance. Like-kind replacements and routine maintenance and repairs shall not require a permit modification.

h. In addition to, and separate from the provisions of Title 30-A, Section 4452, in the event the owner of a Wind Energy System and/or the owner of the real estate upon which the WES is situated, shall fail to remove the WES within the 30 days set forth in 7(c) above, the City shall have the right to go upon the land , after hearing, and dismantle and remove the WES from the site, at the expense of the owner of the WES and/or the landowner, and shall have, in addition, a lien upon real estate upon which the WES is situated for the expense incurredby the City in doing so, including all costs and reasonable attorney feesincurred thereby.

i. The City Council shall hold a public hearing with written notice to the WES owner/landowner on which the WES is situated, at least ten (10) days prior to the hearing date, who may appear in person or by attorney, and participate in any such hearing by producing witness and evidence. If, after the hearing, the City Council determines that Section 7 of this ordinance has been violated, it may order the WES be removed from the property. If the owner of the WES and/or landowner upon which the WES is situated, failure to remove the WES from the property, within thirty (30) days of the hearing date, the City shall do so and shall have a lien on the property for expenses incurred thereby.

   The lien set forth hereinabove shall be perfected by recording a copy of in the City Council's decision, following the hearing, in the Southern Aroostook District of the Registry of Deeds, with a copy thereof sent to the owner of the WES and or the landowner upon which the WES is located and with the Clerk of the City of Presque Isle. Upon recording thereof, the lien shall affix to and run with the land and may be enforced as other liens.

j. Waiver Provisions- The Planning Board may waive any portion of this ordinance in such case where, in the opinion of the Planning Board and theCity Solicitor, strict conformity would pose an unnecessary hardship to the applicant and where the waiver would not be contrary to the spirit and intentof the ordinance.

k. Variances-The Presque Isle Zoning Board of Appeals shall have the power to hear and decide upon a variance from the requirements of this ordinance not in contradiction to the public interest in respect to a parcel of land where a literal application of this ordinance would result in unnecessary hardship. Variances are only available for height and setback requirements.

K. Employer Sponsored Housing

1. Space requirements. Each bedroom shall contain not less than 70 square feet of habitable floor area for each occupant excluding common space and enclosed spaces such as closets and bathrooms, and shall not be less than seven feet in any horizontal direction.

2. Linens. All linens, including bed sheets, pillowcases, blankets, and pillows shall be provided to each occupant by the property owner or management personnel.

3. Bathing facilities. There shall be a minimum of one toilet for every five occupants, and one shower for every five occupants.

4. Cooking facilities. A minimum of one on-site community kitchen with facilities for cooking, refrigeration, and washing shall be provided for the first eight occupants. For every one to 12 additional occupants thereafter, another on-site community kitchen with facilities for cooking, refrigeration, and washing shall be provided (two on-site community kitchen facilities for cooking, refrigeration, and washing shall be provided for nine to 20 total occupants, three such on-site community kitchens shall be provided for 21 to 32 total occupants, etc.). If the employees have access to an employee dining room (EDR) or are provided at least one shift meal, a single community kitchen shall be provided for every 45 occupants.

5. Building footprint area. Density and square footage requirement for land use codes

6. Clothes washer and dryer. On-site access to a minimum of one clothes washer and dryer must be provided.

7. Pest control. All structures on the premises shall be kept free from insect and rodent infestation. In the event an infestation of insects or rodents is found, the property manager shall promptly exterminate such insects or rodents by approved processes that will not be injurious to human health.

8. Management. If management is located off-site, they must be available to be present on-site within 30 minutes of being contacted.

9. Trash and recycling removal. Outdoor trash and recycling must be contained in a covered receptacle and must be removed on a weekly basis.

10. Natural Lighting: All living spaces within a housing unit or common space must have at least one source of natural light.

11. Wastewater: In accordance with Maine Subsurface Wastewater Disposal Rules, and local standards for density

12. Water Supply: In compliance with Maine State Internal Plumbing Code.

L. Solar Electric Generation Facility

Purpose: The purpose of this section of standards is to preserve soils labeled as "Prime Farmland" or "Farmland of Statewide Importance" and the ability for the land to be farmed in the future. To promote the use of previously developed, disturbed, and degraded lands. To encourage dual-use and co-location projects that minimize the impacts to the proposed parcel, and surrounding community.

Applicability- The buffering provisions of this standard shall apply to Solar Electric Generation Facility projects that have an approved building permit after the effective date of this code.

1)
   a) Setback – A Solar Electric Generation Facility shall not be sited within 400 feet of a residence or 100 feet paved roadway. This shall include the racking, panels, pads and any buildings.
      i) Exemption: The above setback does not apply to the owner's or lessee's dwelling.
      ii) Setback shall not apply to homes places after the Solar Electric Generation Facility.

2) Siting –
   a) The Planning board shall require the project to submit a soil analysis to determine the location with the least impact. Proposed projects shall be prohibited from constructing solar panels on soils classified as "Prime Farmland" or "Farmland of Statewide Importance" according to the USDA NRCS Soil Survey on the proposed parcel and the results from the on-site soil analysis.
   b) The project shall submit documentation for dual-use or co-location. This may include grazing, apiaries or handpicked crops. The project shall take in to consideration these activities as relates to panel height and row spacing.
   c) A survey of critical wildlife habitat shall be provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

3) Buffering –
   a) All Solar Electric Generation Facilities shall comply with Article 2 Section X of Chapter 16 Land Use Code and where ever this code may be more restrictive, to include screened evergreen and coniferous tree plantings along the entire perimeter of site proposed for solar electric generation
   b) All Solar Electric Generation Facilities shall provide a 40ft wide buffer, that contains a minimum of 4 staggered rows of evergreen and coniferous tree plantings from the approved tree planting list on all sides, not including openings for gates or access ways.
   c) Tree plantings shall be a minimum of 6ft tall, and shall reach to at least panel height within five (5) years of planting.
   d) If existing natural vegetation is sufficient to screen the development, the applicant may request a wavier in writing for new plantings.
   e) Tree plantings shall be installed before racking and panel install starts.
   f) Tree plantings shall have a ninety-five percent survival rate and shall be maintained for the life of the project. Openings larger than 10ft wide that provide a clear view of the array in the buffer shall be replanted.

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g) Tree plantings shall be selected from the approved list (Appendix A) of tree and no one species shall make up more than 50% of the plantings.

4) Construction
   a) All racking for the proposed project shall be restricted to pile driven, ground screw or ballast block footings when the proposed parcel is farmland.
   b) No pesticides or defoliants may be used on the site.
      i) Non-toxic or organic pesticides and herbicides may be used to prevent or address diseases and pest infestations.
   c) Replanting of vegetation shall consist of native pollinator mixes suitable for USDA Hardiness Zone 4a.
   d) All unused and broken panels shall be removed from the property immediately during the construction phase, and within 90 days of damage after commissioning.
   e) Gates shall be orientated away from the primary view of the general public.

5) Signage:
   a) The solar facility shall provide a sign that identifies the operator and provides a twenty-four-hour emergency contact phone number. Solar facilities shall not display any advertising except for reasonable identification of the manufacturer or operator of the facility.

6) Decommissioning
   a) Projects that are over 3 acres and have a decommissioning plan approved by Maine Department of Environmental Protection are exempt from this provision.
   b) Projects must provide an independent decommissioning report to demonstrate that the total cost of the financial assurance is equal to the actual cost to decommission. Such report shall be updated with the 15-year review and subsequent 5-year reviews.
      i) Reports shall be provided from the list of approved firms (Appendix B).
   c) Provide for the decommissioning of a solar energy development. For any portion of the development located on land classified as farmland any time within 5 years preceding the start of construction of the development, the plan must provide for the restoration of that farmland upon decommissioning sufficient to support resumption of farming or agricultural activities;
   d) All components of solar energy developments must be physically removed to a depth of at least 24 inches, and any portion on farmland must be removed to a depth of 48 inches.
   e) The decommissioning plan must provide for restoration of farmland sufficient to support resumption of agricultural activities
   f) The person identified in the plan as responsible for decommissioning demonstrates financial assurance, in the form of a performance bond, surety bond, irrevocable letter of credit or other form of financial assurance acceptable to the environmental permitting entity, for the total cost of decommissioning. The financial assurance must be updated 15 years after approval of the plan and at least every 5 years thereafter.