

# Rule Revisions of the Aroostook County Community Guided Planning and Zoning Process For Adoption: Rural Business Development Subdistrict

The following revisions propose amendments to Chapter 10, Land Use Districts and Standards for Areas within the Jurisdiction of the Maine Land Use Planning Commission. This document only includes relevant sections of Chapter 10 indicates additions in underline.

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## 10.02 DEFINITIONS

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The following definitions apply to the following terms as they appear in this chapter, the other chapters of the Commission's rules, and the Commission's statute (12 M.R.S.A. §206-A):

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**188. Rural Business:** A building, group of buildings, or site, or any part thereof, used, maintained, or advertised as a commercial, institutional, or light industrial business. Rural business facilities may be operated as a for-profit, non-profit, or public entity. Rural business facilities are either 1) compatible with, and complementary to, natural resource-based land uses such as agriculture, forestry, small-scale natural resource processing and manufacturing, and outdoor recreation, or 2) of a scale and intensity appropriate to rural areas that are lightly developed but proximate to services and transportation infrastructure. For the purposes of Land Use Planning Commission rules, rural businesses are divided into three categories:

**Category 1:** Natural resource based businesses that are small scale processing, storage, sale, and distribution of wood and agricultural product; or are related to or in support of agriculture, forestry, natural resource extraction, or commercial outdoor recreation. Examples include but are not limited to saw mills, value added food production, equipment maintenance and repair facilities, guide services, recreational equipment rental and storage, and motorized and non-motorized recreational centers. Category 1 businesses are specifically designated by Section 10.27.R.1.a.

**Category 2:** Moderate-scale business facilities for retail businesses, restaurants, food preparation businesses, professional offices, and similar types of businesses. Examples include, but are not limited to, restaurants, art studios, nursing homes, and boarding kennels. Category 2 businesses are specifically designated by Section 10.27.R.1.b.

**Category 3:** Larger scale commercial facilities for manufacturing and assembly plants, contracting and construction businesses, automobile service and repair, and similar types of businesses. The term includes, but is not limited to, saw mills, value added food production, equipment maintenance and repair facilities, recreational equipment rental and storage, motorized and non-motorized recreational centers, assembly plants, and automobile service and repair. Category 3 may also include Category 1 and Category 2 type businesses, as long as it meets all other criteria for Category 3. Category 3 businesses are specifically designated by Section 10.27.R.1.c.

[NOTE: Renumber all definitions from this point forward.]

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## 10.21 DEVELOPMENT SUBDISTRICTS

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Pursuant to the Commission's Comprehensive Land Use Plan, the following development subdistricts are established:

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### I. RURAL BUSINESS DEVELOPMENT SUBDISTRICT (D-RB)

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(Applies only to certain locations within Aroostook County)

#### 1. Purpose

The purpose of the D-RB is to encourage an appropriate range of business development in rural areas, and locate development in or at the edge of existing development and in concentrated areas along appropriate portions of major transportation corridors. The locations for development are selected to maintain the rural character of the region and avoid significant visual, natural resource, and fiscal impacts of unplanned growth.

Where a D-RB subdistrict petition is granted, subsequent development in that subdistrict shall not provide the basis for redistricting of the area to another development subdistrict, nor shall it serve to satisfy those requirements for redistricting surrounding areas to development subdistricts pursuant to Section 10.08.

#### 2. Description

a. The D-RB subdistrict shall include areas to accommodate a range of small commercial, light manufacturing, and institutional facilities and businesses that are generally compatible with, and complementary to, natural resource-based land uses but may create some adverse impacts to residential uses, recreation uses, or resource protection. Businesses are typically larger than a permissible home-based business, but are not large-scale commercial or industrial developments, and may generate some level of nuisance-type impacts (e.g., noise, vibration, smoke, fumes, dust, odors, heat, light, glare, electrical interference) that extend beyond the property lines of the business.

The D-RB subdistrict encourages the commercial expansion of new and existing facilities in locations that are suitable for growth because of proximity to existing development, infrastructure, services, and major transportation corridors. The D-RB subdistrict is not designed to facilitate strip development along highways.

The designated D-RB subdistrict boundaries shall include all buildings, paved or other compacted surfaces, and areas directly related to, and necessary for, the conduct of those activities associated with the above described uses and buildings, as well as other intervening areas between such buildings, paved or other compacted surfaces, and areas.

The D-RB subdistrict shall include areas that contain small commercial, light manufacturing, and institutional facilities and businesses that meet the purpose and other provisions of the subdistrict. The D-RB subdistrict shall also include areas which the Commission determines meet the criteria for redistricting to this subdistrict, pursuant to Section 10.08 hereof, are proposed for development which is consistent with the purposes of this subdistrict, and are

suitable for the development activities proposed when measured against the standards of 12 M.R.S.A. §685-B(4) and the Commission's Rules and Regulations relating thereto.

Areas within ¼ mile of Management Class 1 lakes or within ½ mile of Management Class 6 lakes shall not be included within the D-RB Subdistrict.

The D-RB subdistrict distinguishes between three types of rural businesses with differing impact categories, as provided in Section 10.27,R,1.

**b. Eligible Locations**

(1) The following townships, plantations, and towns are eligible for the D-RB subdistrict:

Bancroft Twp., Benedicta Twp., Cary Plt., Connor Twp., Cross Lake Twp., Cyr Plt., E Twp., Forkstown Twp., Garfield Plt., Glenwood Plt., Hamlin, Hammond, Macwahoc Plt., Madawaska Lake Twp., Molunkus Twp., Moro Plt., Nashville Plt., North Yarmouth Academy Grant Twp., Oxbow Plt., Reed Plt., Silver Ridge Twp., St. John Plt., TA R2 WELS, T1 R5 WELS, T9 R5 WELS, T14 R6 WELS, T15 R6 WELS, T17 R4 WELS, Upper Molunkus Twp., and Winterville Plt.

For purposes of this section, “Category 2 & 3 towns, plantations and townships” are:

Bancroft Twp., Benedicta Twp., Cary Plt., Connor Twp., Cross Lake Twp., Cyr Plt., Garfield Plt., Hamlin, Hammond, Macwahoc Plt., Madawaska Lake Twp., Molunkus Twp., Moro Plt., Nashville Plt., Oxbow Plt., Reed Plt., St. John Plt., T15 R6 WELS, T17 R4 WELS, and Winterville Plt.

Except as provided in Section 10.21,I,2,b,(2), the D-RB subdistrict must be fully located within one mile from public roads, measured from the traveled portion of the road, in eligible townships, plantations and towns.

(2) Modification of Locational Criteria. The depth of this subdistrict, and the distance a Category 2 and Category 3 rural business may be located from a public road, may be extended farther from a public road to allow development design in the project area that better meets the purpose of this subdistrict; or to locate subdistrict boundary lines along established property or parcel lines. Adjustments will only be made that do not increase the distance of the subdistrict from the public road, and the distance a Category 2 and Category 3 rural business may be located from a public road, by more than five percent.

**3. Land Uses**

**a. Uses Allowed Without a Permit**

The following uses shall be allowed without a permit from the Commission within D-RB subdistricts:

- (1) Docking structures: Temporary docking structures for non-commercial use;
- (2) Emergency operations conducted for the public health, safety or general welfare, such as resource protection, law enforcement, and search and rescue operations;
- (3) Forest management activities, except for timber harvesting;
- (4) Land application of septage, sludge and other residuals, and related storage and composting activities in compliance with regulations promulgated by the Maine Department of Environmental Protection under 38 M.R.S.A. §13: Maine Hazardous Waste, Septage and Solid Waste Management Act;
- (5) Motorized vehicular traffic on roads and trails, and snowmobiling;

- (6) Primitive recreational uses, including fishing, hiking, hunting, wildlife study and photography, wild crop harvesting, trapping, horseback riding, tent and shelter camping, canoe portaging, cross country skiing, and snowshoeing;
- (7) Surveying and other resource analysis;
- (8) Trails, provided they are constructed and maintained so as to reasonably avoid sedimentation of water bodies; and
- (9) Wildlife and fishery management practices.

**b. Uses Allowed Without a Permit Subject to Standards**

The following uses shall be allowed without a permit from the Commission within D-RB subdistricts subject to the applicable requirements set forth in Sub-Chapter III:

- (1) Accessory structures: New or expanded structures accessory to any legally existing principal structures and uses, provided that the total square footage of the footprint of all new or expanded accessory structures built on a lot within a two (2) year period is not more than 750 square feet and all other requirements and standards of Section 10.27,P are met;
- (2) Agricultural management activities, including cranberry cultivation, the construction, alteration or maintenance of farm or livestock ponds which are not fed or drained by a flowing water, and the operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for agricultural management activities;
- (3) Campsites;
- (4) Checkpoint buildings;
- (5) Constructed ponds: Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.21,I,3,b,(1) above, less than 1 acre in size which are not fed or drained by flowing waters, in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (6) Driveways associated with residential uses;
- (7) Filling and grading;
- (8) Forest management activities, except for timber harvesting, involving the operation of machinery and the erection of buildings including buildings to store equipment and materials for maintaining roads and other structures used primarily for forest management activities;
- (9) Hand-carry launches: Commercial and public hand-carry launches;
- (10) Home occupations: Minor home occupations;
- (11) Mineral exploration activities: Level A mineral exploration activities, including associated access ways;
- (12) Mineral extraction operations, less than 5 acres in size;
- (13) Road projects: Level A and B road projects;
- (14) Service drops;
- (15) Signs;
- (16) Trailered ramps: Public trailered ramps;
- (17) Utility services: Buildings or structures necessary for the furnishing of public utility services, provided they contain not more than 500 square feet of floor area, are less than 20 feet in height, and are not supplied with water; and
- (18) Water crossings of minor flowing waters.

**c. Uses Requiring a Permit**

The following uses may be allowed within D-RB subdistricts upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-B, subject to the applicable requirements set forth in Sub-Chapter III and, where within 500 feet of Management Class 2 lakes or within 250 feet of Management Class 4 and Management Class 5 lakes, subject to the applicable requirements of Section 10.21,C,3,g, h and i below:

- (1) Campsites, Residential;
- (2) Commercial and industrial:
  - (a) Rural Business in conformance with the requirements of Section 10.27,R:
    - i. Category 1; and
    - ii. Category 2, within one quarter mile of a public road in Category 2 & 3 townships, plantations and towns, or in accordance with Section 10.21,I,2,b(2);
- (3) Constructed ponds: Creation, alteration or maintenance of constructed ponds, other than those described in Section 10.21,I,3,b, above, which are 1 acre or more in size, or such ponds less than 1 acre which are not in conformance with the vegetative buffer strip requirements of Section 10.27,C,2,a;
- (4) Draining, dredging, and alteration of the water table or water level for other than mineral extraction;
- (5) Driveways associated with non-residential uses; driveways associated with residential uses which are not in conformance with the standards of Section 10.27,H;
- (6) Family burying grounds of not more than ¼ acre, in accordance with 13 M.R.S.A. §1142;
- (7) Filling and grading which is not in conformance with the standards of Section 10.27,F;
- (8) Hand-carry launches: Private hand-carry launches and hand-carry launches addressed in Section 10.23,E,3,b which are not in conformance with the standards of Section 10.27,L;
- (9) Home occupations: Major home occupations, except in the townships or plantations listed in Section 10.21,I,3,d;
- (10) Maple sugar processing operations;
- (11) Mineral exploration activities: Level A mineral exploration activities, including associated access ways, which are not in conformance with the standards of Section 10.27,C; and Level B mineral exploration activities;
- (12) Mineral extraction operations:
  - (a) affecting an area less than 5 acres in size and which are not in conformance with the standards of Section 10.27,C;
  - (b) affecting an area between 5 and 30 acres provided the unreclaimed area is less than 15 acres; and
  - (c) structures essential to the extraction activity having a total gross floor area of no more than 2,000 square feet;
- (13) Peat extraction affecting an area less than 30 acres in size;
- (14) Portable mineral processing equipment;
- (15) Recreational lodging facilities:
  - (a) Level A;
  - (b) Level B;
  - (c) Level C;
  - (d) Level D (inside the geographic allowance area); and
  - (e) Level C facilities, and Level D facilities (inside the geographic allowance area), that are commercial sporting camps legally existing as of August 5, 2013 may provide fuel and dining to the public, subject to the fuel dispensing provisions for public fuel sales, provided a permit is issued for such use within 3 years of August 5, 2013;

- (16) Road projects: Level C road projects;
- (17) Sawmills and chipping mills on sites of less than 5 acres;
- (18) Shoreland alterations, including reconstruction of permanent docking structures, and permanent on-shore structures used to secure docks and moorings; but excluding marinas, new or expanded permanent docking structures, water-access ways, trailered ramps, hand-carry launches, and water crossings of minor flowing waters;
- (19) Signs which are not in conformance with the standards of Section 10.27,J;
- (20) Solid waste disposal facilities affecting an area less than 2 acres in size;
- (21) Structures: Non-commercial structures utilized for educational, scientific, or nature observation purposes; structures devoted to composting of sludge, septage or other residuals affecting an area less than 5 acres in size; and structures devoted to the storage of sand or salt;
- (22) Subdivisions: Commercial and industrial subdivisions for rural business within Bancroft Twp., Benedicta Twp., Cary Plt., Connor Twp., Cross Lake Twp., Cyr Plt., E Twp., Garfield Plt., Hamlin, Hammond, Macwahoc Plt., Madawaska Lake Twp., Molunkus Twp., Moro Plt., Nashville Plt., Oxbow Plt., Reed Plt., Silver Ridge Twp., St. John Plt., T15 R6 WELS, T17 R4 WELS, and Winterville Plt.;
- (23) Timber harvesting;
- (24) Trailered ramps: Commercial trailered ramps and trailered ramps addressed in Section 10.21,I,3,b which are not in conformance with the standards of Section 10.27,L;
- (25) Truck and equipment storage in accordance with Sections: 10.27,R,1,a,(6); 10.27,R,1,b,(6); and 10.27,R,1,c,(6);
- (26) Utility facilities, excluding service drops; and wire and pipe line extensions which do not meet the definition of service drops;
- (27) Water crossings of minor flowing waters which are not in conformance with the standards of Section 10.27,D and water crossings of bodies of standing water and of major flowing waters;
- (28) Water impoundments;
- (29) Wind projects: Community-based offshore wind energy projects, as defined in Title 12 M.R.S.A., Section 682, Subsection 19; offshore wind power projects, as defined in Title 38 M.R.S.A., Section 480-B, Subsection 6A, and wind energy development in accordance with Title 35-A, M.R.S.A., Chapter 34-A in areas identified in Appendix F herein;
- (30) Other structures, uses, or services that are essential to the uses listed in Section 10.21,I,3,a through c; and
- (31) Other structures, uses, or services which the Commission determines are consistent with the purposes of this subdistrict and of the Comprehensive Land Use Plan and are not detrimental to the resources or uses they protect, and are of similar type, scale and intensity as other allowed uses.

#### **d. Special Exceptions**

The following uses may be allowed within the D-RB subdistricts as special exceptions upon issuance of a permit from the Commission pursuant to 12 M.R.S.A. §685-A(10), and subject to the applicable requirements set forth in Sub-Chapter III, provided that the applicant shows by substantial evidence that such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan:

- (1) Maple Sugar Processing Subdivisions: Subdivisions containing lots created by lease for the purpose of establishing and operating commercial maple sugar processing operations provided that:

- The maximum number of leased lots shall be no more than one (1) per every 300 acres of the lot or parcel being subdivided<sup>1</sup>;
- The maximum size of each leased lot shall be no more than 4 acres;
- Any two leased lots in a maple sugar subdivision may be located less than 1,000 feet from each other; these lots will be considered a set of lots for the purpose of determining leased lot separation;
- Each set of leased lots must be separated from any other leased lot or set of leased lots in the subdivision by a minimum of 1,000 feet, measured horizontally from the closest point between lots or sets of leased lots; and

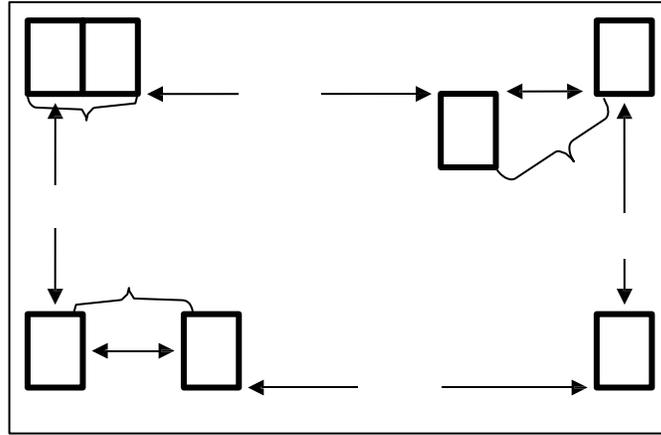


Figure 10.21,I-1. Leased lots in maple sugar subdivisions.

- Fee ownership in each of the leased lots shall only be transferred as part of a sale of the entire parcel originally so subdivided, or with a deed restriction requiring that the lot be used only for commercial maple syrup production unless the Commission, or its legal successor in function, releases the restriction and records such release in the registry of deeds.

The following uses may be allowed as special exceptions, either singly or in combination, provided the applicant shows by substantial evidence, that (a) the use can be buffered from those other uses within the subdistrict with which it is incompatible; (b) such other conditions are met that the Commission may reasonably impose in accordance with the policies of the Comprehensive Land Use Plan; (c) that there is sufficient infrastructure to accommodate the additional traffic and activity generated by the facility; and (d) that surrounding resources and uses that may be sensitive to such increased traffic and activity are adequately protected:

(2) Commercial and industrial:

(a) Rural Business in conformance with the requirements of Section 10.27,R:

- (i) Category 3, within one half mile of a public road in Category 2 & 3 townships, plantations and towns, or in accordance with Section 10.21,I,2,b(2);

(3) Recreational lodging facilities:

- (a) Level C (occupancy may exceed the standard in Section 10.27,Q,1, Table A up to the Expanded Access occupancy limit, provided that the majority of occupancy is accommodated at campsites);
- (b) Level C – Expanded Access (inside the geographic allowance area); and

<sup>1</sup> Calculated by dividing the total acreage of the lot or parcel being subdivided by 300 and rounding down to the nearest whole number.

(c) Level D – Expanded Access (inside the geographic allowance area).

The following uses may be allowed as special exceptions provided the applicant also shows by substantial evidence that there is no alternative site which is both suitable to the proposed use and reasonably available to the applicant:

- (4) Docking structures: New or expanded permanent docking structures;
- (5) Trailered ramps: Private trailered ramps; and
- (6) Water-access ways.

The following uses may be allowed as special exceptions provided the applicant shows by substantial evidence, in addition to (a), (b), (c) and (d) above, and the provisions of Section 10.25,D,2, that (e) the project will not result in traffic safety or capacity deficiencies in the vicinity of the project site.

- (7) Subdivisions: Commercial and industrial subdivisions for rural business within Forkstown Twp., Glenwood Plt., North Yarmouth Academy Grant Twp., TA R2 WELS, T1 R5 WELS, T9 R5 WELS, T14 R6 WELS, and Upper Molunkus Twp..

The following uses may be allowed as special exceptions provided the applicant shows by substantial evidence that either: (a) the use is integral to the business; or (b) the use predates [DATE OF RULE].

- (8) Residential: Single family dwellings.

**e. Prohibited Uses**

All uses not expressly allowed, with or without a permit or by special exception shall be prohibited in a D-RB subdistrict.

**f. Water Quality Limiting Lakes**

For information relative to water quality limiting lakes see Section 10.23,E,3,g.

**g. Management Class 2 Lakes (Accessible, Undeveloped, High Value Lakes) as shown on the Commission's Land Use Guidance Maps.**

With respect to single family dwelling proposals within 500 feet of the normal high water mark of Management Class 2 Lakes, the Commission will require an average density per landownership of no more than one dwelling unit per shore mile.

**h. Management Class 4 Lakes (High Value, Developed Lakes) as shown on the Commission's Land Use Guidance Maps.**

Within 250 feet of the normal high water mark of Management Class 4 lakes, the Commission will:

- (1) With respect to subdivisions and commercial, industrial, and other non-residential structures, require the applicant to indicate future plans for other undeveloped shorelands on the lake that are owned by the applicant. Such indication of future plans shall address, at a minimum, the next 10 years, and shall include, but not be limited to, the following information regarding the applicant's landownership on the lake:

- (a) area and shoreline length;

- (b) potential suitability for development based on an appropriate inventory of soils and significant natural and cultural resources; and
- (c) development proposed or anticipated, if any.

This indication of future plans shall be considered part of the proposal. Therefore, changes in such plans, evidenced by a development proposal not included in the description of future plans, will require approval of an application to amend the original proposal in which these future plans were indicated.

- (2) With respect to subdivision proposals, require cluster developments which meet the requirements of Section 10.25,R.

**i. Management Class 5 Lakes (Heavily Developed Lakes) as shown on the Commission's Land Use Guidance Maps.**

With respect to subdivision proposals within 250 feet of Management Class 5 lakes, the Commission will require cluster developments which meet the requirements of Section 10.25,R.

**j. Management Class 1 and 6 Lakes (Least Accessible, Undeveloped High Value Lakes and Remote Ponds) as shown on the Commission's Land Use Guidance Maps. Areas around these lakes are not eligible to be zoned D-RB (see Section 10.21,I,2).**

[NOTE: by adding the previous section (in alphabetical order by subdistrict name), the subsequent Sections 10.21,I through L will be relettered as appropriate; all references in Chapter 10 to those sections will be updated; and the table of contents will be revised accordingly. These include sections 10.21,I; 10.21,I,3,c; 10.21,I,3,c,(6), (10), (15), and (20); 10.21,I,3,j; 10.21,J; 10.21,J,2,a,(3); 10.21,J,3,c; 10.21,J,3,c,(9), (15), (20), and (25); 10.21,K; 10.21,K,3,c; 10.21,K,3,c,(11), (17), and (22); 10.21,L; 10.21,L,3,c; 10.21,L,3,c,(8), (13), and (22).]

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## 10.25 DEVELOPMENT STANDARDS

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This section contains review standards for structures and uses that require issuance of a permit from the Commission, or as otherwise required in Sub-Chapter II. Except as herein provided, development not in conformance with the standards of this section are prohibited.

Nothing in this section shall preclude the Commission from imposing additional reasonable terms and conditions in its permits as the Commission may deem appropriate in order to satisfy the criteria for approval and purposes set forth in the Commission's statutes, rules and the Comprehensive Land Use Plan.

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### Q. SUBDIVISION AND LOT CREATION

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This section governs the division of lots and the creation of subdivisions.

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#### 6. Subdivision Filing with Registry of Deeds and Sale of Lots

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- e. All subdivision lots permitted for rural businesses in the D-RB subdistrict shall include a condition requiring that the lot be used only for rural businesses unless the Commission, or its legal successor in function, releases the condition.

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## 10.27 ACTIVITY-SPECIFIC STANDARDS

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The documents referenced within this section may be obtained from the Commission's office in Augusta, or any of its regional offices.

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### **R. RURAL BUSINESSES**

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The following requirements shall apply to rural businesses located in the D-RB subdistrict except as otherwise provided herein.

#### **1. Category of Rural Businesses<sup>2</sup>**

Except as hereinafter provided, rural businesses not in conformance with the standards of this section are prohibited.

##### **a. Category 1 Rural Business.**

- (1) **Description.** Natural resource-based business.
- (2) **Size.**
  - (a) Up to three acres utilized by the business, and
  - (b) Up to 4,000 square feet of gross floor area, or as provided by Section 10.27,R,2.
- (3) **Exterior effects.** There must be no exterior display, no exterior storage of materials, and no other exterior indications of a rural business with the following exceptions:
  - (a) Outdoor storage of raw materials and finished product are allowed, provided at least 50 percent of the raw materials used in production come from the site or working farm or forest lands under the same ownership;
  - (b) Outdoor storage of outdoor recreation equipment and supplies; and
  - (c) Shipping and receiving areas appropriate for Category 1 type businesses, particularly when considering one or more of the following factors: (a) maximum number of delivery vehicles accommodated at the same time; (b) daily shipping and receiving hours of operation, including any seasonal variation; and (c) type of delivery vehicle.
- (4) **Traffic.** The level of vehicular traffic generated by a Category 1 rural business must not significantly exceed that commonly associated with Category 1 types of business. If not located on a numbered state or federal route, traffic on the network of roads used to facilitate movement of goods and services to and from the business may not exceed levels common to the surrounding setting and uses.

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<sup>2</sup> See Section 10.21,I,2,b for eligible locations for Category 1, 2, and 3 rural business.

- (5) **Hours of Operation.** The Commission may limit hours of operation to minimize impacts to adjacent residents or uses.
- (6) **Vehicles and Equipment.** A business must not involve the regular exterior use or storage of more than an aggregate of six tractor trucks, semitrailers, and heavy equipment such as construction equipment, all of which must be operable or in the process of being made operable. Exterior storage of abandoned or inoperable vehicles or heavy equipment is not permitted.

Seasonal variations in the number of units stored are permissible so long as the seasonal increase is for a relatively short period of time and the increase above the limit of stored units does not cause undue adverse impacts to surrounding uses and resources.

This factor does not address delivery or pickup vehicles, which are addressed by Section 10.27,R,1,a,(3),(c).

- (7) **Hazardous wastes.** A Category 1 rural business must not generate or store quantities of hazardous wastes that exceed the amounts set for “Small Quantity Generators” by the Maine Department of Environmental Protection (DEP) and must meet the requirements of DEP rules, Chapter 850 DEP Rules, Section 3(A)(5)(d)(vii), if applicable.

**b. Category 2 Rural Business.**

- (1) **Description.** Retail, restaurants, offices, and similar small businesses.
- (2) **Size.**
- (a) Up to 2,500 square feet of gross floor area, or as provided by Section 10.27,R,2.
- (3) **Exterior effects.**
- (a) No outdoor storage is allowed.
- (b) Outdoor activity areas are allowed including for child day care and adult day service programs, dining, display of merchandise (during hours of operation), outdoor dispensing or sale of products, and other activities associated with these types of businesses.
- (c) Shipping and receiving areas appropriate for Category 2 type businesses, particularly when considering one or more of the following factors: (a) maximum number of delivery vehicles accommodated at the same time; (b) daily shipping and receiving hours of operation, including any seasonal variations, and; (c) type of delivery vehicle.
- (4) **Traffic.** The level of vehicular traffic generated by a Category 2 rural business must not significantly exceed that commonly associated with Category 2 types of business. If not located on a numbered state or federal route, traffic on the network of roads used to facilitate movement of goods and services to and from businesses may not exceed levels common to the surrounding setting and uses.

- (5) **Hours of Operation.** Hours of operation must conform to surrounding settings and uses. The Commission may limit hours of operation to minimize impacts to adjacent residents or uses.
- (6) **Vehicles and Equipment.** A business may not involve the regular exterior use or storage of heavy equipment such as construction equipment, except building maintenance or grounds keeping equipment generally used in a Category 2 type of business.

This factor does not address delivery or pickup vehicles, which are addressed by Section 10.27,R,1,b,(3),(c).

- (7) **Hazardous wastes.** A Category 2 rural business must not generate or store – quantities of hazardous wastes that exceed the amounts set for “Small Quantity Generators” by the Maine Department of Environmental Protection (DEP) and must meet the requirements of DEP rules, Chapter 850 DEP Rules, Section 3(A)(5)(d)(vii), if applicable.

**c. Category 3 Rural Business.**

- (1) **Description.** Manufacturing, Construction, Service and Similar Businesses.
- (2) **Size.**
- (a) Up to 20,000 square feet of gross floor area, or as provided by Section 10.27,R,2.
- (3) **Exterior effects.**
- (a) Site may be used for storage of raw materials and finished products.
- (b) Site may be used for equipment storage.
- (c) Shipping and receiving areas appropriate for Category 3 type businesses, particularly when considering one or more of the following factors: (a) maximum number of delivery vehicles accommodated at the same time; (b) daily shipping and receiving hours of operation, including any seasonal variations, and; (c) type of delivery vehicle.
- (d) Adequate provisions must be made for noise and dust abatement.
- (4) **Traffic.** The level of vehicular traffic generated by a Category 3 rural business must not significantly exceed that commonly associated with Category 3 types of business. If not located on a numbered state or federal route, traffic on network of roads used to facilitate movement of goods and services may not exceed levels common to the surrounding setting and uses.
- (5) **Hours of Operation.** Hours of operation must conform to surrounding settings and uses. The Commission may limit hours of operation to minimize impacts to adjacent residents or uses.
- (6) **Vehicles and Equipment.** A business must not involve the regular exterior use or storage of more than an aggregate of eight tractor trucks, semitrailers, and heavy equipment such as construction equipment, all of which must be operable or in the process of being made operable. Exterior storage of abandoned

vehicles or heavy equipment is not permitted.

Seasonal variations in the number of units stored are permissible as long as the seasonal increase is for a relatively short period of time and the increase above the limit of stored units does not cause undue adverse impacts to surrounding uses and resources.

This factor does not address delivery or pickup vehicles, which are addressed by Section 10.27,R,1,c.(3),(c).

- (7) **Hazardous wastes.** A Category 3 rural business must not generate or store quantities of hazardous wastes that exceed the amounts set for “Small Quantity Generators” by the Maine Department of Environmental Protection (DEP) and must meet the requirements of DEP rules, Chapter 850 DEP Rules, Section 3(A)(5)(d)(vii), if applicable.

## **2. Existing Businesses and Buildings.**

### **a. Expansion of Existing Rural Business.**

For the purposes of Section 10.27,R, Existing Rural Business is a business that meets the definition of Rural Business, in accordance with Section 10.02 and is an ongoing functional enterprise as of [effective date of rules].

- (1) Existing Category 1 or 2 Rural Business located within the respective locational requirements for Category 1 or Category 2 Rural Business may expand in size up to 30 percent larger than the applicable size limits, provided:
- (a) All other applicable Category limits are met; and
  - (b) All other applicable standards (such as dimensional requirements of Section 10.26) are met.

### **b. Utilization of Existing Buildings**

For the purposes of Section 10.27,R, Existing Building is a structure that is legally existing and meets the definition of “building”, in accordance with Section 10.02, as of [effective date of rules].

The use of an Existing Building for a Rural Business located within the locational requirements for any category rural business within the D-RB, including reconstruction within the existing footprint, may be permitted without regard to building size provided:

- (1) the applicant demonstrates that the use of the building will meet all other applicable category factors for that location;
- (2) reconstructed buildings remain within the existing footprint and have a maximum height no higher than the height of the existing building, or 35 feet, whichever is higher<sup>3</sup>; and
- (3) all other applicable standards (such as dimensional requirements of Section 10.26) are met.

<sup>3</sup> Structures used for agricultural management, structures with no floor area, or features of buildings which contain no floor area such as chimneys, towers, ventilators, and spires may exceed these maximum heights with the Commission’s approval.

**3. Buffering.**

A buffer strip shall be provided so as to minimize visual and other impacts on surrounding residential uses from non-residential buildings and uses located within the D-RB subdistrict. When required, buffering will consist of:

- a. A vegetated strip of no less than 15 feet in width sited in such a way as to minimize visual impacts from non-residential buildings and uses on surrounding residential uses; or
- b. Where no natural vegetation exists, the buffer may consist of fences, walls, or berms; or tree plantings and/or hedges.

Adequate provision shall be made for the maintenance, repair and replacement of all buffers to ensure continuous year round effective screening of any abutting residential property.

The Commission may allow a buffer area of less width when site conditions, such as natural features, vegetation, topography, or site improvements, such as additional landscaping, berming, fencing, or low walls, make a lesser area adequate to achieve the purposes of this section.

**4. Subdivision Conditions.**

As required by Section 10.25,Q,6,e, all subdivision lots permitted for Rural Businesses in the D-RB subdistrict shall include a condition requiring that the lot be used only for Rural Businesses unless the Commission, or its legal successor in function, releases the condition.