



City of Caribou, Maine

*Municipal Building
25 High Street
Caribou, ME 04736
Telephone (207) 493-3324
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**AGENDA
Caribou Planning Board
Regular Meeting
Wednesday, April 1, 2015 at 5:30 p.m.
Caribou City Council Chambers**

- I.** Call Meeting to Order
- II.** Minutes of the March 4, 2015 regular meeting 2-4
- III.** Old Business
 - a. Chapter 13 Re-write 5-26
- IV.** New Business
- V.** Other Business
- VI.** Adjournment



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Caribou Planning Board Meeting Minutes Wednesday, March 4, 2015 @ 5:30 pm City Council Chambers

In Attendance: Phil Cyr, Bob White, Grahm Freme, Philip McDonough III, Todd Pelletier and Matthew Hunter

Members Absent: Jim Cerrato

Others in Attendance: Austin Bless, Philip McDonough II and Denise Lausier

- I. Call Meeting to Order** - The meeting was called to order at 5:30 pm.
- II. Minutes of February 4, 2015 Regular Meeting** – Phil McDonough III moved to approve the minutes as presented; seconded by Matthew Hunter; Vote was unanimous.
- III. Old Business** –
 - A) Site Design Review Application – Facilities Inc. 7 Russ Street** – The Public Hearing was opened at 5:31 pm. Facilities Inc. has an office building at 7 Russ Street, the property is zoned C-2 and they would like to put an apartment in the western part of the building. There would be no change to the existing footprint of the building and no changes to the property the building sits on. Erick Bechtel from 24 Russ Street was present to speak in opposition to the project. Erick questioned why this was going before the Board since a single family dwelling is not allowed in the C-2 Zone. Erick questioned who Facilities Inc. is, who they intend to rent to and questioned if this is right for their neighborhood. Brian Ostlund was present from Facilities Inc. and he explained that they are a non-profit entity and they can only rent to other non-profits according to their by-laws and tax exempt status. They initially wanted to rent the space commercially, but that didn't work out, so they are looking at residential. They want to make better use of the building, there is about 1,600 square feet not being used. Erick Bechtel also questioned the clientele that they would be renting to and if it would be people with behavioral impairment. Eric has concern for his wife and his young children and their safety, he is more than a little concerned. Brian Ostlund commented that they envision renting to a family and it is possible that it could be clientele with mental illnesses. Matthew Hunter stated that the Planning Board's job is to look at this application and the accessory use in the Site Design process and that the Board cannot get into the behavior of the tenants, that is not their job. Philip McDonough III stated his concerns with the zoning aspect, that the future vision is to try to revitalize commercial zones and keep them commercial, if this is approved, it could open up for more in the future. Austin stated it is allowable at this time, but will not be in the future according to the new Comprehensive

Plan. Austin commented that under Section 13-700 apartments accessory to commercial use is allowable. Public Hearing was closed at 6:01. Todd Pelletier stated he will abstain from voting because he sits on the Board for Facilities, Inc. Philip McDonough II commented that others of the same nature have been turned down in the past and recommends in the re-write of the Zoning Ordinance to more clearly define the definitions of single family dwellings, multifamily dwellings, congregate housing etc. Bob White moved to not approve the Site Design Application, seconded by Philip McDonough III; 5 yes, 1 abstention (Todd Pelletier).

- B) Mobile Home Ordinance** – Austin Bless stated that this ordinance requires construction to be done according to state standards. It requires a list of mobile homes to be presented to the Assessor by April 15 of each year. This will be helpful in the assessing process and also help the City to keep track of the movement of trailers. Public Hearing was opened at 6:07 pm. With no public comment, the Public Hearing was closed at 6:08 pm. The Board discussed the reference of MUBEC throughout the document and wondered if they should use something more generic in case MUBEC is ever repealed. They decided to keep MUBEC in the document. Todd Pelletier moved to approve the ordinance and to send to the City Council for public hearing, seconded by Gram Freme; Vote was unanimous.
- C) Chapter 13 Re-write** – There was much Board discussion on the different zones and definitions of those zones. The Board discussed if there was a need for two industrial zones and two commercial zones. Their goal is to loosen up land to encourage development. Austin Bless commented that the Board could look at zone definitions from other communities. Board consensus was to discuss definitions before reworking the zoning map. The Board discussed residential in commercial zones. There was also discussion on concerns of the Board being able to say yes as exceptions come along. Austin Bless said the Board will also be looking at the Land Use Table with definitions. Philip McDonough II commented that the last re-write of the Land Use Table was around 2005-2007. He recommended to be careful not to change all of the little things but conform to the Comprehensive Plan and the big picture and work from there. Matthew Hunter addressed non-conforming structures and stated that the Land Use Table is restrictful and the Board's flexibility in decision making is hard with all those restrictions. Philip McDonough II brought up Contract Zoning where a contract is done for the use and the contract terminates when the use is done, this offers flexibility. Austin commented on the RC-2 Zone and that the dual usage would be better for the areas on Sweden Street and South Main Street where there are many mixed uses. No action needed from the Board at this time. Austin will get definitions from other communities to review at the next meeting. The Board will continue review of this section at the next meeting as well.

IV. New Business – None

- V. Other Business** – There was discussion on Jim Cerrato's absences. Austin Bless will mail a letter to Jim and check the ordinances as far as board member absences in meetings.

A) Updates from the Manager – The City Council approved the Nuisance Property Ordinance. The Independent Living project is not quite ready to move forward yet.

VI. Adjournment – Bob White moved to adjourn the meeting at 6:53 pm; seconded by Matthew Hunter; Vote was unanimous.

Respectfully Submitted,

Robert White
Planning Board Secretary



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Chairman and Planning Board Members
From: Austin Bleess, City Manager
Date: March 4, 2015
Re: Chapter 13 Re-write

Section 2 is quite complex, and there are a few spreadsheets that everyone should have a copy of in their ordinance.

At our last meeting the board wanted to view some definitions of zoning districts used by other communities. Included with the packet is information from other communities that would be useful to review.

There is certainly no rush to get this work completed. It is in the best interest of the Board and the City to make sure we take our time and get this done right, rather than just get it done.

Sec. 13-200 Zoning Ordinance.

1. Title.

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

2. Administration.

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

Sec. 13-201 Applicability of Zoning Review.

This Section shall apply to all land, buildings, or structures within the boundaries of the City of Caribou.

Sec. 13-202 Official Zoning Map.

1. Official Zoning Map.

Districts are located and bounded as shown on the Official Zoning Map which is a made a part of this Section. There may for purpose of clarity, necessitate by reasons of scale on the map, be more than one Official Zoning Map. The minimum scale for the Official Zoning Map shall be no less than 1 inch = 2000 feet.

2. Certification of the Official Zoning Map.

The Official Zoning Map shall be identified by the signature of the Chair of the City Council, attested by the City Clerk, and bearing the seal of the City under the following words:

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

The Official Zoning Map shall be located in the office of the City Clerk.

3. Changes on the Official Zoning Map.

- a. If, in accordance with the provisions of this Section and Title 30-A MRSA §4503, changes are made in District boundaries or other matter portrayed on the Official Zoning Map, changes to the map shall be made within 14 days after the amendment has been approved by the City Council. No amendment to this Section which involves matter portrayed on the Official Zoning Map shall become effective until signed by the Chair of the City Council and attested by the City Clerk. In addition, the following wording shall be reflected on the Official Zoning Map:

"On ____ by official action of the City, the following change(s) was (were) made: (insert brief description of the nature of change)." Immediately beneath the entry the City Clerk shall place their signature.

- b. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Section. Any unauthorized change shall be considered a violation of this Section and punishable as provided for within the Sec. 13-800, "Administration and Enforcement".

4. Replacement of the Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the City Council shall adopt a new Official Zoning Map.

[Insert Official Zoning Map]

Sec. 13-203 Establishment of Districts.

1. Zoning Districts.

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

a. R-1 Residential District.

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

b. R-2 Residential District.

The R-2 District encompasses most of the older residential neighborhoods and is located within convenient reach of business facilities. The R-2 District is expected to contain most of the multi-family or apartment type dwellings likely to be needed

by the community. However, in harmony with the established neighborhoods, predominant land use will probably continue to be single-family residence. As in the R-1 District, certain additional uses which meet the requirements of this Ordinance may be permitted, which contribute to balanced neighborhoods and enhance the attractiveness of the community.

c. R-3 Residential District.

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

d. C-1 Commercial District.

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

e. C-2 Commercial District.

The C-2 District is intended primarily for commercial uses to which the public requires free and easy access and to provide for a wider range of associated activities in the business community than in the "C-1" District. In order to protect the integrity of the C-2 commercial zone, residential dwelling units are not allowed on the first floor (street level) of buildings in the C-2 Zone. Accessory and

incidental residential dwelling units may be developed on the floors other than the first floor. Accessory and incidental residential dwelling units may be developed on the first floor (street level) with Site Design Review and Planning Board approval. Accessory and incidental residential dwelling units may be developed on the first floor only if 50% or greater floor space is maintained for commercial use with Site Design Review and Planning Board approval. Any residential dwelling unit in the C-2 Zone must meet all requirements of Sections 13-300 through 13-307 Site Design Review, 13-700 through 13-710 General Requirements for Land Use, all requirements of the Life Safety Code (NFPA 101) and all requirements of the Caribou Building Code and the Maine Uniform Building and Energy Code (MUBEC).

f. RC-2 Commercial District.

The RC-2 District is intended for commercial uses to which the public requires free and easy access. The lot size requirements are larger than other commercial Districts, since the area may not be serviced by public sewer, and the set back requirements are greater, since most RC-2 Districts are expected to be along major traveled roads.

g. I-1 Industrial District.

The I-1 District is to provide land which is conveniently located with respect to transportation and municipal services and where other conditions are favorable to the development of industry and which at the same time is so located as to prevent undesirable conflict with residential and business uses.

h. I-2 Industrial District.

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

i. H-1 Health Related District.

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

2. Special Protection Overlay Districts.

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

1. Sand and Gravel Aquifer Overlay District.

- i. This District includes sand and gravel aquifers as identified on the Maine Geological Survey "*Hydrogeologic Data for Significant Sand and Gravel Aquifers*" maps, as well as, a 75' buffer drawn around the known boundaries of these aquifers (buffers shall be updated as the aquifer mapping is updated).
- ii. All future non-residential land uses on the aquifer and within the 75' buffer shall be subject to the review and approval of the Planning Board.
- iii. All construction or activity involving the displacement of soil on the aquifer and within the 75' buffer shall follow soil erosion control measures as outlined in appropriate Best Management Practices.
- iv. No vehicle carrying pesticides, fertilizers, or other toxic or hazardous chemicals or substances shall pump water from the aquifer. Penalties of heavy fines and suspension of licenses shall be imposed for handling potentially toxic or hazardous chemicals or substances within the aquifer or for the contamination of any waters within the aquifer.

2. Wellhead Protection Overlay District.

- i. The Wellhead Protection District (WPD) is created to protect the public water supply for the City by preventing contaminants from reaching the well and realizing that drinking water is essential to the survival of the City. The WPD includes the land area within 2500 feet of the Caribou Utility District's (CUD) wellhead as may be delineated on the official zoning map. All land use activity regulated by this Ordinance within the WPD shall require a brief application be obtained, completed, and returned by the applicant at the CUD prior to the issuance of any permit.
- ii. No new or existing aboveground or underground storage of fuel, except for household heating fuel, or chemical tank or toxic or hazardous materials shall be permitted or expanded within the WPD, except for water treatment chemicals or materials of the CUD.

- iii. All construction or activity involving the displacement of soil within the WPD shall follow Best Management Practices. The Planning Board may adopt, by reference, additional Best Management Practices. In so doing the Planning Board shall hold a public hearing.
- iv. No vehicle carrying pesticides, fertilizers, or other potentially toxic or hazardous chemicals or substances shall pump water from the WPD. Penalties of heavy fines and suspension of licenses shall be imposed for handling potentially toxic or hazardous chemicals or substances within the WPD or for the contamination of any waters within the WPD.
- v. The City and the CUD shall have the right to install groundwater monitoring wells and shall further maintain the right to sample such wells on properties within the WPD when the City or the CUD can clearly show that groundwater monitoring in the area will serve to protect the public water supply from existing or potential threats.
- vi. When and where applicable within the WPD, the CEO shall have the right, upon 24-hour notice, to enter, inspect, and to determine whether all premises which have groundwater pollution control devices or management practices are in good condition and working properly. Such testing shall be at the City's and CUD's expense. If such testing indicates that the groundwater has been contaminated above the State Primary and Secondary Drinking Water Standards, then further testing shall be at the expense of the land owner in question. Additionally, the owner shall reimburse the City and/or the CUD for expenses incurred in the initial well installation and testing.
- vii. The collection and disposal of petroleum products, chemicals, and wastes used in construction shall conform to the following:
 - 1. Petroleum products, chemicals, and wastes shall be collected and stored in closed, clearly marked, water tight containers.
 - 2. Containers shall be removed regularly for disposal to prevent spills and leaks which can occur due to corrosion of containers. A schedule for removal shall be included with the application and in any construction specifications for the project.
 - 3. Fertilizers and landscape chemicals such as herbicides and pesticides shall be applied following appropriate Best Management Practices.
- viii. Stormwater Runoff/Snow and Ice Control.
 - 1. Drainage systems, including detention basins, drainage ways, and storm sewer systems, shall be maintained in order to insure they function properly.

2. Chemicals and wastes shall be stored in such a manner as to prevent rainfall from contacting them.
3. Runoff from parking lots should be diverted to stormwater drains where applicable.
4. Snowmelt from parking lots should be diverted to stormwater drains.
5. Parking lots should be maintained on a yearly basis.
6. Sand/salt mixtures with a reduced portion of salt should be used for snow and ice control.

i. Industrial and Maintenance Operations.

1. A plan detailing the reuse, recycling, or proper disposal of waste chemicals shall be kept, maintained, and updated as needed. Provisions shall be provided for implementing the plan.
2. Buildings, rooms, and areas where chemical potential pollutants are used, handled, or stored shall be designed to contain spills and or leaks.
 - a. Floor drains shall not be used except as required by fire regulations; and
 - b. A waterproof dike shall be placed around areas to contain accidental spills. The dike shall have an equivalent volume to the amount of material stored or used in the room.
3. Spill/leakage prevention and detection programs shall be maintained and updated.
 - a. Plans shall insure the regular collection and transport of chemicals; and
 - b. Plans shall provide for inspection of containers and storage areas on a regular basis.
4. A spill clean-up plan shall be maintained and updated annually. The plan shall:
 - a. Insure adequate materials and equipment are available;
 - b. Insure that personnel are trained; and
 - c. Insure that the local fire department is knowledgeable of clean-up procedures.
5. Wash waters and other diluted wastes shall be adequately treated consistent with State law and the current pre-treatment ordinances.
 - a. Wastes shall be discharged to sewer systems where possible; and

- b. Grease traps and oil separators shall be installed where necessary and shall be maintained on a regular basis.

ii. Septic/Sewage Disposal.

1. Sewer/septic systems shall be designed by a Maine Registered Professional Engineer using sound engineering practices. On-site sewage disposal shall be according to the State of Maine Subsurface Wastewater Disposal Rules.
2. Construction of sewers and septic systems shall be carefully inspected to insure proper installation.
3. Septic systems and related piping shall be tested for leakage and certified by the LPI that they are water tight prior to use. Sewer systems shall be tested for leakage, according to State standards or municipal ordinance/District regulations.
4. Provisions shall be made to maintain sewer and septic systems.
5. Sewers and drainage systems shall be designed to insure that stormwater does not enter sanitary sewers.
6. For cluster systems, 1000 gallon septic tank capacity shall be provided for each 300 gallons of flow. Design flows for leachfields shall be less than 2500 gallons per day.
7. Chemicals, industrial wastes, floor drains and stormwater drains (i.e. roof drains) shall not be discharged to septic systems.

iii. Waste Disposal Handling.

1. Inert Fill.
 - a. Waste disposal areas shall be setback 75 feet from wetlands as defined in the Maine Natural Resources Protection Act (NRPA);
 - b. Wastes shall be placed a minimum of 2 feet above the seasonal high ground water table; and
 - c. For wastes other than concrete, stone, and brick, documentation from a laboratory that wastes are inert shall be provided.
2. Transfer Station/Recycling Facilities.
 - a. All storage areas shall be located a minimum of 5 feet above the seasonal high ground water table;
 - b. Sanitary wastes shall be disposed of into a public sewer or in accordance with the State of Maine Subsurface Wastewater Disposal Rules;
 - c. If water clean-up of facilities is used, it shall be discharged to a public sanitary sewer. If no public sanitary sewer is available, dry clean-up procedures shall be used;

- d. Gravel, asphalt, or concrete pads or steel or aluminum containers shall be used for storage facilities for white goods and tires;
- e. Facilities shall not be located in 100 year floodplain;
- f. An Operating Manual shall insure that only non-hazardous municipal solid waste is accepted;
- g. For recycling facilities, an Operating Manual shall insure that only clean, marketable recyclables are collected; and
- h. For recycling facilities, storage of residuals shall be accomplished to prevent spillage and leakage.

3. Municipal, Commercial, Industrial, and Other Special Wastes.

- a. All handling, storage, and transfer shall comply with MDEP rules; and
- b. Storage and transfer areas shall comply with the management practices listed in 2. Above.

4. /Metal Processing.

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

iv. Chemical and Petroleum Handling and Storage.

- 1. Non-hazardous chemicals shall be substituted for hazardous varieties whenever possible.
- 2. A detailed inventory shall be maintained.
- 3. Provisions shall be made to clean-up all spills immediately with an absorbent material or other methods and dispose of them properly.
- 4. Hazardous materials shall be stored in secure, corrosion, resistant containers.
- 5. Storage shall be in above-ground, corrosion resistant tanks. The following provisions shall be complied with:
 - a. A diked area shall be provided around tanks to contain spills. The volume of diked area shall equal the volume of product stored;
 - b. A roof shall be provided over containment areas to prevent collection of rain water; and
 - c. Drains shall not be installed in containment areas.

6. If underground storage is necessary, tanks shall be approved by the MDEP. The system, including piping, shall be tested prior to use. Underground piping and transmission lines shall be inspected and tested upon installation and on an annual basis, thereafter.
7. All floors shall be concrete or an impermeable, hardened material. Sub-floor synthetic containment liners shall be inspected to contain spills or leaks occurring inside buildings with earth or gravel floors.
8. Non-bulk storage of chemicals shall be inside. Such storage areas shall comply with the following:
 - a. Floor drains shall not be used;
 - b. If floor drains are required by the fire regulations, they shall be discharged to a holding tank. Tanks shall be pumped by a licensed oil or hazardous waste hauler, as appropriate. Tanks shall be equipped with gauges to determine used capacity; and
 - c. Storage and handling areas shall have waterproof dikes around perimeter so as to contain spills.
9. Tanks shall be equipped with automatic shutoffs and/or high level alarms.
10. Spill and leak detection programs shall be maintained and updated annually.
11. Oil and water separators shall not be used to remove dissolved compounds or oil and greases which had been subjected to detergents.
12. Loading areas shall be covered to prevent the mixing of stormwater and spilled chemicals. Concrete or other impermeable pads shall be provided under transfer and handling areas.
13. Exterior transfer and handling areas shall be slope as to prevent runoff from other areas from entering the handling area, but to contain small quantities of spilled product.
14. Procedures shall be made to catch and store chemicals spilled at loading docks and other transfer areas.
15. Provisions shall be made to periodically inspect and test tanks and lines for leaks.
16. The facility and equipment shall be designed to:
 - a. Prevent tank overflows; and
 - b. Prevent line breakage due to collision
17. Provisions shall be made to have:
 - a. Emergency diking materials available; and
 - b. Emergency spill cleanup materials available.
18. The facility and equipment shall be designed to:
 - a. Prevent tank overflows; and

b. Prevent line breakage due to collision

19. Exterior transfer and handling sites shall be graded and sloped to prevent runoff for other areas from entering the handling areas.

20. Residential storage tanks for home heating fuel shall be located in cellars or on a concrete slab above the ground if outside.

v. Sand and Gravel Mining.

1. Limit Depth of Excavation.

a. Excavation shall be limited to 5 feet above the seasonal high water table;

b. If excavation is proposed such that there will be less than 5 feet separation between excavation limits and the ground water table, a hydrogeologic investigation must be done to assess the potential adverse impact including potential contamination and reduction in recharge of this proposal; and

c. If water supply wells are present within 500 feet of the proposed excavation, ground water level monitoring wells shall be installed.

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

3. Petroleum Storage.

a. If petroleum is proposed for storage above ground, a fully contained storage and refueling area shall be provided. Provisions must be made for rain falling in the containment area. A roof is preferable. For large operations, a covered, impermeable refueling/maintenance area shall be provided;

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

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

vi. Agriculture/Open Space/Power Lines.

1. Soil tests shall be used to determine proper amounts of nutrients and limestone (pH adjustment).

2. Nutrients shall be applied uniformly and only at levels required.

3. Split fertilizer applications should be used for new planting, where possible.

4. A slow release form of fertilizer should be used, where possible.

5. Nutrients shall not be applied to very shallow soils or exposed bedrock.

6. Chemical fertilizer application equipment shall be calibrated.
7. Irrigation shall be scheduled to minimize leaching potential.
8. Limit applications of nitrogen fertilizers to the spring or fall.
9. Nutrients shall not be applied during winter months when ground is frozen or snow covered.
10. Fertilizers and manure shall be stored in properly located and constructed facilities during periods when application is not suitable.
11. All federal and state laws regulating pesticides shall be followed.
12. Material safety data sheets shall be kept accessible.
13. Application of fertilizers and pesticides shall be accomplished by certified applicators.
14. Secure, safe storage shall be provided for used pesticide containers and dispose of containers in accordance from federal and state law.

vii. Silvaculture.

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

3. Rules Governing District Boundaries.

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

- a. Boundaries indicated as approximately following the center lines of roads, highways, alleys, railroad rights-of-way, rivers, or streams shall be construed to follow such center lines.
- b. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- c. Boundaries indicated as approximately following City limits shall be construed as following such limits.
- d. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.
- e. Sources for the delineation of the Special Flood Hazard areas shall be the Caribou Flood Insurance Map.

- f. Sources for the delineation of the Aquifer Protection District shall be the latest edition of the Maine Geological Survey "*Hydrogeologic Data for Significant Sand and Gravel Aquifers*".
- g. Boundaries indicated as parallel to or extensions of features indicated in subsections A through D above shall be construed as being parallel to or extensions of such features. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- h. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or other circumstances not covered by subsections A through G above, the Board of Appeals shall interpret the District boundaries.

4. Lots Divided by District Boundaries.

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

- a. On lots of two (2) acres or less in area, the lot shall be used as if the entire lot were in the District which comprises the larger portion.
- b. On lots larger than two (2) acres, the District regulations shall be followed in each portion.

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

Sec. 13-204 District Regulations.

1. Basic Requirement.

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

2. Land Use Requirements.

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

3. General Requirements for Specific Districts.

A. All Districts.

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

B. R-1 and R-2 Districts.

- 1. ~~All premises and exterior property shall be maintained by the property owner or their authorized agent free from weed growth in excess of ten (10) inches. Noxious weeds shall be prohibited.~~ This is duplicative of the Property Maintenance Code.
- 2. No motorized vehicle that is not currently or properly registered or which is unserviceable, discarded, worn out, or junked; or motorized vehicle bodies, parts, or engines shall be gathered together or parked upon any residential property, except when the vehicle is within a garage or other structure that complies with the building code of the City.
- 3. No motorized vehicle, or parts thereof, shall be displayed or offered for sale, trade, or lease for a period not to exceed ninety (90) days, in aggregate, in a calendar year.

C. R-C-2 Commercial District.

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

5. District Regulations.

- b. Land uses in conformance with the provisions of this Ordinance are shown in the following table.
 - a. CEO = Requires both Site Design Review and a permit from the CEO.
 - b. PB = Requires Site Design Review by the Planning Board and a permit from the CEO.
 - c. NO = Not permitted.

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

[Land Use Tables – See Attached]

Sec. 13-205 Dimensional Requirements.

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

2. Height requirements do not apply to barns, barn silos, flagpoles, chimneys, transmission towers, steeples, windmills, cooling towers, elevator bulkheads, sky lights, ventilators, and other necessary appurtenances carried above roofs; nor towers, stacks, spires, if not used for human occupancy; nor to ornamental towers, observatory towers, television and radio broadcasting towers and antennas and similar structures that do not occupy more than twenty-five (25) percent of the lot area; nor to churches and public institutional buildings; nor similar structures, usually erected at a greater height than the principal building, however such accessory structures or appurtenances require a lot line setback distance of no less than its height.
3. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirement, herein. Yards or lots created after the effective date of this Ordinance shall meet or at least the minimum requirements, herein.
4. No part of a yard, or other open space, or off-street parking or loading space required about in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
5. The front yard setback requirements of this Ordinance for dwellings shall not apply to any lot where the average setback on developed lots located wholly or in part within 100 feet on each side of such lot and within the same block and zoning District and fronting on the same street as such lot, is less than the minimum setback required. In such cases the front yard setback on such lot may be less than the reduced setback, but not less than the average of the existing setbacks on the developed lots.
6. ~~Dimensional requirements for mobile home park lots are in Sec. 13-408, "Mobile Homes".~~ Duplicative of newly revised Mobile Home Park Ordinance
7. Minimum set back requirements for all Principal and Accessory structures shall be in compliance with Table 13-205-A. Residential R-1 & R-2 zones shall require that structure height be limited to a 3/1 three to one ratio from the side and rear setbacks. Minimum side set back shall be 5' (five feet) and minimum rear setback shall be 10' (ten feet) in the R-1 & R-2 zones.
8. Non conforming Lots of Record, recorded prior to May 1980, in the Residential R-3 zone, consisting of less than one acre (43,560 square feet) shall comply with the dimensional requirements of the R-1 & R-2 zones.
9. Definitions

Lot: A parcel of land occupied or capable of being occupied by one building and the accessory buildings or uses customarily incidental to it, including such open

spaces as are required by an ordinance, and having frontage upon a public street, right-of-way, or private way.

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

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

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

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

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

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

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

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

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

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

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

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

[Dimensional Requirements Table – See Attached]

Sec. 13-206 Non-Conformance.

1. General.

- a. Continuance, Enlargement, Reconstruction: Any non-conforming use, non-conforming lot of record, or non-conforming structure may continue to exist, but may not be extended, reconstructed, enlarged, or structurally altered except as specified below.
- b. Transfer of Ownership: Non-conforming structures, non-conforming lots of record, and non-conforming uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
- c. Restoration or Replacement: This Ordinance allows the normal upkeep and maintenance of non-conforming uses and structures; repairs, renovations, or modernizations which do not involve expansion of the non-conforming use or structure and the value of which is less than 25 percent of the market value of the structure before the repair is started; and such other changes in a non-conforming use or structure as Federal, State, or local building and safety codes may require. Any non-conforming use or structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or their agent, may be restored or reconstructed within one (1) years of the date of said damage or destruction, provided that:
 - i. The non-conforming dimensions of any restored or reconstructed structure shall not exceed the non-conforming dimensions of the structure it replaces;
 - ii. Any non-conforming structure shall not be enlarged except in conformity with this Ordinance and the *Maine Subsurface Wastewater Disposal Rules*; and
 - iii. Any non-conforming use shall not be expanded in area.
- d. Nothing in this Section shall prevent the demolition of the remains of any building so damaged or destroyed.
- e. Essential Service: Nothing within this Section shall restrict the extension, reconstruction, enlargement, or structural alteration of essential services. All plans for the extension, reconstruction, enlargement, or structural alteration of essential services shall be reviewed by the Planning Board.
- f. Shoreland Areas: In designated shoreland areas, any non-conformance shall be required to meet the standards for that non-conformance contained in the Caribou

2. Non-Conforming Use.

- a. Resumption Prohibited: A lot, building, or structure in or on which a non-conforming use is discontinued for a period exceeding one (1) year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use, even if the owner has not intended to abandon the use.
- b. A Structure Non-Conforming as to Use: Except for single-family dwellings, a building or structure non-conforming as to use shall not be enlarged unless the non-conforming use is terminated. Except in a Resource Protection District of the Caribou Shoreland Zoning Ordinance, single family dwellings, which are non-conforming uses, may be enlarged as long as the dimensional requirements of the District in which they are located are met. A non-conforming use of part of a building or structure shall not be extended throughout other parts of the building or structure unless those parts of the building or structure were manifestly arranged or designed for such use prior to the adoption of this Ordinance, or of any amendment making such use non-conforming.
- c. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use is equally or more appropriate to the District than the existing non-conforming use, and the impact on adjacent properties is less adverse than the impact of the former use as determined by the Board of Appeals. The case shall be heard as an administrative appeal. The determination of appropriateness shall require written findings on the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. Sec. 13-700 "General Requirements" of these Ordinances shall apply to such requests to establish new non-conforming uses.
- d. Use of Land: A non-conforming use of land may not be extended into any part of the remainder of a lot of land. A non-conforming use of land which is accessory to a non-conforming use of a building shall be discontinued at the same time the non-conforming use of the building is discontinued.

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

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

3. Non-Conforming Structures.

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

- a. Enlargements Controlled: A non-conforming structure shall not be added to or enlarged unless: such addition or enlargement conforms to all the regulations of the District in which it is located; the addition does not increase the non-conformity of the structure; or a variance is obtained. In addition, state laws must be adhered to.
 - i. Exclusive of the Shoreland Zoning Ordinance which regulates expansions of structures in Shoreland Districts (See: Caribou Shoreland Zoning Ordinance), the addition of an open patio with no structures elevated above ground level shall not constitute the expansion of a non-conforming structure. The addition of steps or the enclosure of an existing deck shall not constitute the expansion of a non-conforming structure. But, the addition of a deck shall constitute the expansion of a non-conforming structure and shall meet all the dimensional requirements of this Ordinance.
 - ii. The placing of a foundation below a lawfully existing non-conforming structure shall not constitute the expansion of the structure so long as the first floor space of the structure is not increased. In shoreland areas, the foundation cannot cause the structure to be elevated by more than three (3) additional feet.
 - iii. Construction or expansion of a foundation under an existing dwelling which expands habitable space shall be considered an expansion and shall be subject to the applicable provisions of the *Maine Subsurface Wastewater Disposal Rules*, latest edition.
 - iv. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded in floor area or volume, by 30 percent or more, during the lifetime of the structure.
- b. Discontinuance: Discontinuance of the use of a legally existing non-conforming structure shall not constitute abandonment of the structure. Conforming use of the structure may be commenced at any time.
- c. Lack of Required Parking or Loading Space: A building or structure which is non-conforming as to the requirements for off-street parking and/or loading space shall not be enlarged, added to, or altered unless off-street parking and/or loading space is provided to bring parking and/or loading space into conformance with the requirements

of this Ordinance for both the addition or alteration and for the original building or structure, or a variance is obtained.

4. Non-Conforming Lots of Record.

- a. Vacant Lots: A vacant non-conforming lot may be built upon provided that such lot is in separate ownership and not contiguous with any other vacant lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variance of setback or other requirements not involving area or width shall be obtained only by action of the Board of Appeals.
- b. Built Lots: A non-conforming lot that was built upon prior to the enactment or subsequent amendment of this Ordinance is subject to the following restrictions. The structure(s) may be repaired, maintained, or improved, and may be enlarged in conformity with all dimensional requirements of this Ordinance except lot area, lot width, or lot frontage. If the proposed enlargement of the structure(s) cannot meet the dimensional requirements of this Ordinance a variance shall be obtained from the Board of Appeals.
- c. Contiguous Built Lots: If two (2) or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principle use exists on each lot, the non-conforming lots may be conveyed separately or together, providing the State Minimum Lot Size Law and the *Maine Subsurface Wastewater Disposal Rules*, latest edition, are complied with. If two (2) or more principal uses existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot.
- d. Contiguous Lots - Vacant or Partially Built: If two (2) or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of those lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if two (2) or more of the lots are vacant or contain only an accessory structure, the lots shall be combined to the extent necessary to meet the dimensional standards, except where rights have vested, or the lots have frontage on parallel roads and state laws are complied with.
- e. Lot Width and Area Requirements: If a non-conforming lot of record or combination of lots and portions of lots with continuous frontage in single ownership are on record as of the effective date of this Ordinance, the lands involved shall be considered to be a single parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this Ordinance. No division of the parcel shall be made which leaves remaining any lot width or area below the requirements stated in this Ordinance.

5. Vested Rights.

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