



City of Caribou, Maine

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

**AGENDA
Caribou Planning Board
Regular Meeting
Wednesday, August 5, 2015 at 5:30 p.m.
Caribou City Council Chambers**

- I. Call Meeting to Order
- II. Minutes of the June 3, 2015 regular meeting 2-4
Minutes of the July 22, 2015 special meeting 5-6
- III. New Business
a. Day Care Application 7-11
- IV. Old Business
a. Chapter 13 Re-write 12-22
- V. Other Business
- VI. Adjournment



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Caribou Planning Board Meeting Minutes Wednesday, June 3, 2015 @ 5:30 pm City Council Chambers

In Attendance: Phil Cyr, Matthew Hunter, Todd Pelletier, Philip McDonough III and Michele Smith

Members Absent: Bob White

Others in Attendance: Austin Bless -Code Enforcement Officer, Philip McDonough II -Councilor Liason, Julie Daigle -Power of Prevention, Steve Austin, Gary Marquis -Superintendent of Parks & Recreation, Ashley Morgan -Bundles of Joy Childcare, Breanne Trospen -Breanne's Home Daycare, and Denise Lausier -Secretary

- I. Call Meeting to Order** - The meeting was called to order at 5:30 pm.
- II. Minutes of May 6, 2015 Regular Meeting** – Todd Pelletier moved to approve the minutes as presented; seconded by Matthew Hunter; Vote was unanimous.

Phil Cyr welcomed Michele Smith to the Planning Board.

- III. New Business** –
 - a. Complete Streets Policy – Presentation by Julie Daigle, Power of Prevention** – Julie Daigle gave a quick overview of the Complete Streets Policy. A seven member committee put this policy together to present. The Complete Streets Policy is about getting others to consider needs of all users such as pedestrians, bicyclists, horse and buggies as well as vehicles. Julie explained that it is not an ordinance, but is a stronger commitment than a resolution and applies to situations in which it's feasible. If the City chose to adopt this policy, it will give the structure in which to apply it. MDOT already adopted the Complete Streets Policy in June of 2014. There were questions and discussion on bike lanes. Matthew Hunter moved to adopt and send the complete streets policy to the City Council for final review and adoption; seconded by Phil McDonough III; 4-yes, 1-no (Todd Pelletier)
 - b. Day Care Application – Ashley Morgan** – Ashley Morgan, owner of Bundles of Joy Childcare, explained she has had a daycare for seven years in Fort Fairfield and relocated to Caribou in January of 2015. She will have a maximum of eight children. Ashley has already received approval through DHHS and the State Fire Marshal, they are just waiting on the City's approval. The Board reviewed the application and all was in order.

Matthew Hunter moved to approve the application; seconded by Todd Pelletier. Vote was unanimous.

- c. **Day Care Application – Breanne Trosper** – Breanne Trosper would like to start a daycare in her home, Breanne’s Home Daycare, at 33 Hardison Avenue and will have a maximum of eight children. Her application has already been approved by DHHS and the State Fire Marshal. The Board reviewed the application and all was in order. Todd Pelletier moved to approve the application; seconded by Matthew Hunter. Vote was unanimous.

IV. **Old Business –**

- a. **Chapter 13 Re-write** – The Board reviewed and discussed the different zones that are currently in place.

Hospital Zone: After much discussion, Board consensus was to keep H-1 as is.

Industrial Zones: After much discussion, Board consensus was to keep I-1 and I-2 as is.

Mixed Use Zone: After discussion, Board consensus was to rename the RC-2 Zone to Mixed Use Zone (no change in definition).

Residential Zones: After discussion, Board consensus was to keep R-1, R-2 and R-3 as is.

Commercial Zones: After discussion, Board consensus was to keep C-1 and C-2 as is.

Discussion on having an Airport Zone: After discussion, Board consensus was to add an Airport Zone.

- Right now where the Caribou Airport is, it is zoned Industrial. An Airport Zone would allow for more commercial type uses. It would promote business.
- Discussion on different business possibilities; rentals for snowmobiles and ATV’s with the trails being right there, café, Fed Ex, UPS, aircraft sales, fuel sales, hotel

Discussion on Medical Marijuana & Caregivers:

- Austin received five or six calls in three weeks regarding cultivations of marijuana. Zoning is the only way to regulate where they go.
- Caregivers can have enough plants for six people at any given time.
- They are approved by DHHS and follow their rules and regulations – they do not have to register with the City. There is a lack of communication between the State and City.
- Illegal on the Federal Level – unchallenged on the State level.
- The Federal & State laws don’t match on this issue.
- Would be good to check with other communities who have growing facilities already.
- Consensus was the City needs to decide what we want as a community and if these growing facilities fit the vision for this community.
- The Board decided they need to be educated before they make a decision on this. The Board discussed forming a side committee with Planning Board members, City Council members, Chief of Police, State Police, perhaps a physician or someone from the medical community and DHHS to discuss all sides of this.
- Board discussed different parts of town and zones that may be appropriate for such a use.
- It was recommended to have them all in one area of town.

V. Other Business –

- a. July Planning Board Meeting** – After discussion, the Board consensus was to hold a meeting in July only if there are applications that come forth for approval.

VI. Adjournment – Matthew Hunter moved to adjourn the meeting at 7:00 pm; seconded by Todd Pelletier; Vote was unanimous.

Respectfully Submitted,

Phil Cyr
Planning Board Chairman



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Caribou Planning Board Meeting Minutes Wednesday, July 22, 2015 @ 5:30 pm City Council Chambers

In Attendance: Phil Cyr, Todd Pelletier, Philip McDonough III, Michele Smith and Evan Graves

Members Absent: Matthew Hunter and Bob White

Others in Attendance: Austin Bless -Code Enforcement Officer, Philip McDonough II -Councilor Liason, Jordyn Rossignol -Connection Kids, Bert Levesque -Daigle Oil Company, Karen Henderson - BR Smith, Brian McDougal -BR Smith Electrical Engineer, Keith Brown -Caribou Cabins and Denise Lausier -Secretary

I. Call Meeting to Order - The meeting was called to order at 5:30 pm.

II. New Business –

- a. **Daycare Application – Jordyn Rossignol** – Connection Kids will be at 862 Sweden Street. Jordyn has a lease with the owner of the building. It is in the R-3 zone and is an allowed use in that zone. It's already been approved by DHHS and the State Fire Marshal. Jordyn explained that she needs to finish her policies and her checklist for the State will be completed within the week. The Board reviewed the application and all was in order. Philip McDonough III moved to approve the application; seconded by Todd Pelletier. Vote was unanimous.
- b. **Amendment to Site Design Review Application** –Daigle Oil Company wants to expand their propane storage area at their bulk storage plant with two additional 30,000 gallon propane storage tanks at 917 Presque Isle Road. BR Smith designed the facility initially years ago and this is considered an amendment to the site design review that was granted when the first tanks went in. Austin Bless explained that this project has been reviewed by the Fire Chief and also a third party inspector, Let's Talk Propane with no issues. It meets setback requirements as well as the Comp Plan goals and objectives. The gravel pad the current tanks sit on will be expanded to accommodate the new tanks and security fencing will be extended around the site as well. Austin stated that this project meets all the review criteria and recommends approval of this project. Todd Pelletier moved to approve the application; seconded by Evan Graves. Vote was unanimous.
- c. **Site Design Review Application – Concept Review** – Keith Brown, owner of Caribou Cabins would like to establish an RV Park on his property. There was much discussion on the project. The Board guided Mr. Brown on what was needed to bring this project

before the Planning Board, which included meeting the ordinance requirements outlined in City Code for Campgrounds, along with an engineered design plan for the project. Austin explained the new Supreme Court ruling regarding Planning Boards needing to be consistent with all Site Design Review Applications. The City also needs a boundary

survey on the property if there have been any changes since the last survey in 2003 when the cabins were built. Having erosion and sediment control plans were also discussed with Mr. Brown.

- III. **Other Business** – The next Planning Board meeting is Wednesday, August 5, 2015 at 5:30 pm.
- IV. **Adjournment** – Evan Graves moved to adjourn the meeting at 6:04 pm; seconded by Todd Pelletier. Vote was unanimous.

Respectfully Submitted,

Phil Cyr
Planning Board Chairman



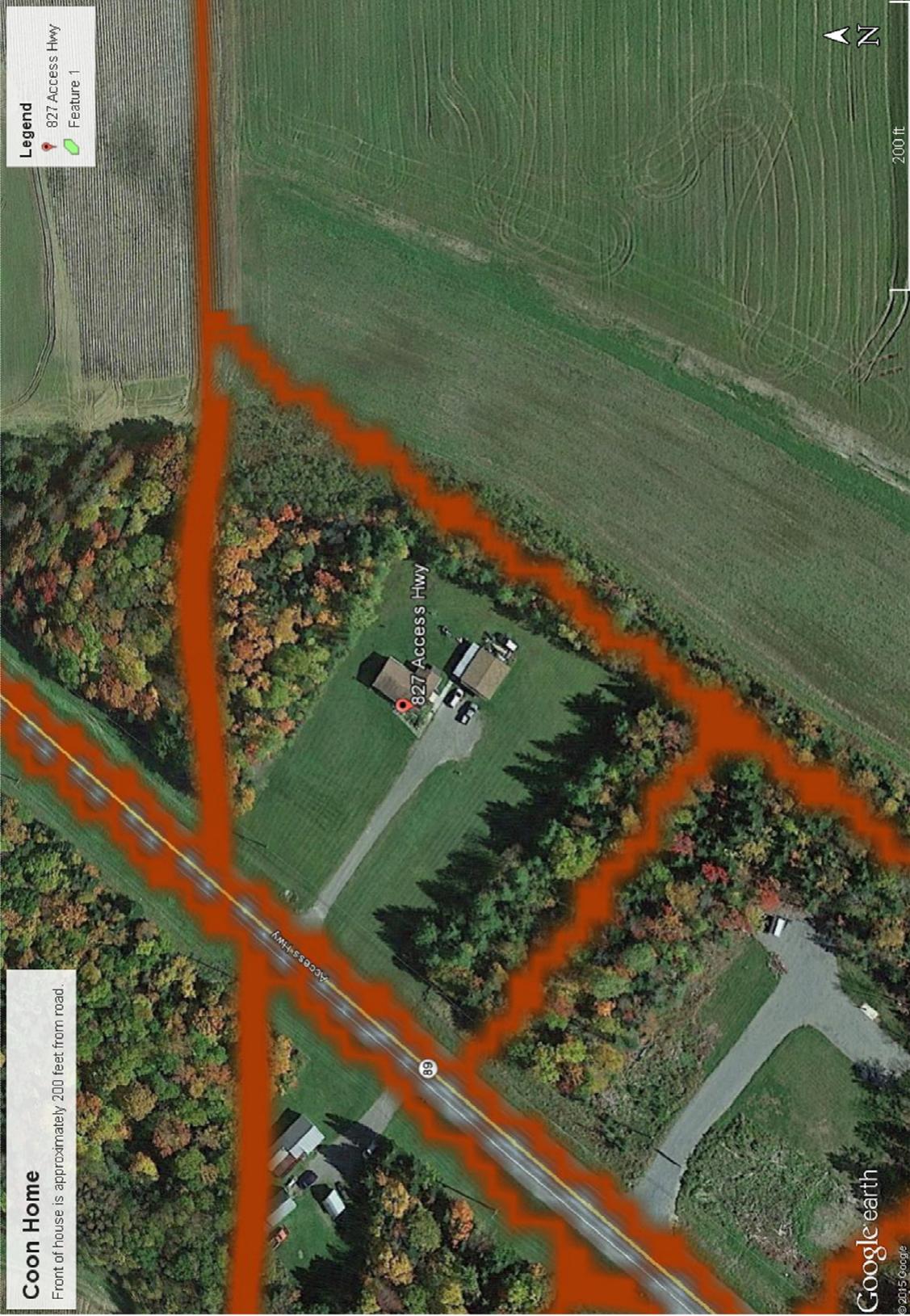
OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Chairman and Planning Board Members
From: Austin Bless, City Manager
Date: August 5, 2015
Re: Day Care Application – Jenny Coon

We have received a Day Care Application from Jenny Coon to have a day care in her home at 827 Access Highway. Staff has reviewed the application and everything looks to be in order. The backyard play area is far enough from the road, where staff does not feel a fence would be necessary.

The application is on the following pages.

Staff recommends approval.



Coon Home
Front of house is approximately 200 feet from road.



Daycare Application

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

Austin Bless
Code Enforcement Officer
(207) 493-4234 Ext. 230
citymanager@cariboumaine.org

Note to Applicant: Complete this application and return it with the required documents. In addition, the required fee must be returned along with this completed application. Make checks payable to: "City of Caribou", in the amount of \$90.00

Please print or type all information

Name of Property Owner / Developer: Jenny S Coon
Development Name: Little Grower's Daycare
Location of Property (Street Locations): 827 Access Hwy Caribou Me
City of Caribou Tax Map: 15 Lot: ~~88~~ 89 Zone: R-3

Daycare Review Application – City of Caribou, Maine

Site Design approval will not be considered complete until the Planning Board has determined it has all of the necessary information to review the proposal and render a decision. You are advised to meet with the Code Enforcement Officer prior to completing the application as it may not be necessary to comply with all of the items shown on the form.

Applicant Information

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

Jenny Coon Day Time Phone: 207 493 1275
P.O. Box 103 Night Time Phone: 207 227 2754
Caribou Me 04736 E-mail: mcojh@maine.rr.com

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

(Attach supportive legal documentation)

General Information

Date your State of Maine Day Care License was approved: 4/10
(Attach a copy of License)

Has the site been inspected by the State Fire Marshal's Office and approved?
 YES NO
(Attach Documentation)

Has the site been inspected by the Maine Department of Health & Human Services and approved?
 YES NO
(Attach Documentation)

Structure & Site Plan Details

Does the building have a Carbon Monoxide Detector? YES NO

Does the building have a smoke detector? YES NO

Is the garage attached to the house/building? YES NO

If yes, is there a minimal of 1/2" sheet rock fire-rated wall between the garage and house/building?
 YES NO

Do you have a basement? YES NO

Will the basement be accessible to children? YES NO

If yes, are there graspable handrails and guardrails on the staircase? YES NO

The outdoor play area shall not be located near hazardous areas (such as streets, open wells, open water) unless protected by fencing?

Do you have fencing around the outdoor play area? YES NO

If yes, how tall and what type? _____

The fencing must be a minimum of four (4) feet high.

Subsurface Waste Water Disposal System – No person may expand the use of a structure using a private subsurface waste water disposal system until documentation is provided to the municipal officers and a notice of the documentation is recorded in the appropriate agency of deeds that, in the event of a future malfunction of the system, the disposal system can be replaced and enlarged to comply with the rules adopted under Title 22 M.R.S. § 42, and any municipal ordinances governing subsurface waste water disposal systems, No requirements of these rules and ordinances may be waived for an expanded structure.

Have you provided documentation showing that the current disposal system can be replaced and

enlarged?
Do you have an outdoor lighting system to support egress/ingress? _____ YES NO
 YES _____ NO

Concept Plan Review Criterion

Plan Review is intended to insure the proposed plan is in conformance with the Caribou Comprehensive Plan and all City Ordinances. The completed application shall be delivered to the Code Enforcement Office no less than 21 days prior to the first day of the next month. The Chairman of the Planning Board shall determine the schedule and agenda of the next meeting when the application will receive Plan Review. At a minimum, Plan application shall include the following:

- 1. Name and address of the owner of record and applicant (if different).
- 2. Name of the proposed development and location.
- 3. A copy of the deed to the property, option to purchase the property, or other documentation to demonstrate right, title, or interest to operate a daycare in the property on the part of the applicant..
- 5. **Plans to show the following elements for review:**
 - _____ a. Size, shape, and location of existing and proposed buildings on the site including dimensions of the buildings and setbacks from property lines.
 - _____ b. Access for Emergency Vehicles, location and layout design of vehicular parking, circulation areas, loading areas, and walkways including curb cuts, driveways, parking space and vehicle turn around areas.
 - _____ 3. Location of outdoor play areas, fences, exterior lighting, signage and accessory structures.

Applicant Signature:

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

Signature of Applicant: Jenny S. Coon Date: 7-16-15



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Chairman and Planning Board Members
From: Austin Bleess, City Manager
Date: August 5, 2015
Re: Chapter 13 Re-Write

Now that we have gained some consensus on the district names and definitions we are ready to move on to the next section of the ordinance.

Under section 13-204 3 B I'm recommending we strike the first two paragraphs there. That is duplicative of the Property Maintenance Code that we have already. I don't know that we need the third paragraph (about cars for sale) or not. This could be difficult to enforce just from a tracking stand point.

I would also recommend that we move 13-205 Section 9 to Section 13-900 to keep uniformity with where definitions are made in the ordinance.

I believe the Planning Board should discuss the Change of Use Clause in 13-206 2 C which allows a change in use from one non-conforming use to another non-conforming use if the Board of Appeals gives approval. I don't think that is a good practice to have.

Sec. 13-204 District Regulations.

1. Basic Requirement.

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

2. Land Use Requirements.

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

3. General Requirements for Specific Districts.

A. All Districts.

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

B. R-1 and R-2 Districts.

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

C. Mixed Use District.

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

4. District Regulations.

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

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

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

	Principal Land Use Activity	R-1	R-2	R-2A	RC-2	R-3	C-1	C-2	I-1	I-2	H-1
1	Abatoir	NO	NO	NO	NO	PB	NO	NO	PB	PB	NO
2	Agricultural Product Storage	NO	NO	NO	NO	CEO/YES	NO	NO	PB	PB	NO
3	Agricultural Product Processing	NO	NO	NO	NO	PB	NO	NO	PB	PB	NO
4	Agriculture - Personal Use	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	NO	PB	PB	PB	NO
5	Agriculture - Commercial	NO	NO	PB	PB	CEO/YES	NO	NO	NO	NO	NO
6	Airport	NO	NO	NO	NO	PB	NO	NO	PB	PB	NO
7	Antique Sales	NO	NO	NO	CEO/YES	CEO/YES	CEO/YES	CEO/YES	YES	YES	NO
8	Art Gallery or Crafts Studio	NO	NO	NO	CEO/YES	PB	CEO/YES	CEO/YES	YES	CEO/YES	NO
9	Assembly and Packaging Facility	NO	NO	NO	NO	NO	NO	NO	YES	YES	NO
10	Auction Barn	NO	NO	NO	CEO/YES	CEO/YES	CEO/YES	CEO/YES	YES	YES	NO
11	Automobile (Vehicle) Body Shop	NO	NO	NO	PB	PB	NO	PB	CEO/YES	CEO/YES	NO
12	Automobile (Vehicle) Car Wash	NO	NO	NO	PB	PB	CEO/YES	CEO/YES	CEO/YES	CEO/YES	NO
13	Automobile (Vehicle) Graveyard	NO	NO	NO	NO	PB	NO	NO	PB	PB	NO
14	Automobile (Vehicle) Repair	NO	NO	NO	PB	PB	CEO/YES	CEO/YES	CEO/YES	CEO/YES	NO
15	Automobile (Vehicle) Sales	NO	NO	NO	CEO/YES	PB	CEO/YES	CEO/YES	YES	YES	NO
16	Automobile (Vehicle) Service Station	NO	NO	NO	CEO/YES	PB	CEO/YES	CEO/YES	CEO/YES	CEO/YES	NO
17	Automobile (Vehicle) Commercial Storage - Indoors	NO	NO	NO	PB	PB	NO	YES	CEO/YES	YES	NO
18	Bank or Financial Service	NO	NO	NO	PB	NO	CEO/YES	CEO/YES	YES	YES	NO
19	Bed and Breakfast	PB	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	NO	NO	NO
20	Boarding House	NO	PB	PB	PB	CEO/YES	PB	PB	NO	NO	NO
21	Building Materials - Storage and Sale	NO	NO	NO	CEO/YES	PB	CEO/YES	CEO/YES	YES	CEO/YES	NO
22	Bulk Grain Storage	NO	NO	NO	CEO/YES	CEO/YES	NO	NO	PB	PB	NO
23	Bulk Oil and/or Gas Terminal	NO	NO	NO	PB	PB	NO	NO	PB	PB	NO
24	Business, Medical or Professional Office	NO	NO	NO	CEO/YES	CEO/YES	CEO/YES	CEO/YES	YES	YES	CEO/YES
25	Campground or RV Park	NO	NO	NO	PB	PB	NO	NO	NO	NO	NO
26	Cemetery	NO	PB	NO	PB	PB	NO	NO	NO	NO	NO
27	Church, Synagogue and/or Parish House	PB	PB	PB	PB	PB	PB	PB	PB	PB	NO
28	Commercial Greenhouse or Garden Center	NO	NO	NO	CEO/YES	CEO/YES	CEO/YES	CEO/YES	YES	CEO/YES	NO
29	Commercial Recreation, Amusement	NO	NO	NO	CEO/YES	PB	CEO/YES	CEO/YES	YES	YES	NO
30	Commercial Recreation, Outdoor	NO	NO	NO	PB	PB	NO	PB	PB	PB	NO
31	Community Center	NO	NO	NO	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	NO
32	Confined Animal Feeding Operation	NO	NO	NO	NO	PB	NO	NO	NO	NO	NO
33	Congregate Housing	NO	PB	PB	PB	PB	NO	NO	NO	NO	PB
34	Day Care/Night Care	PB	PB	PB	CEO /YES	PB	CEO/YES	CEO/YES	NO	NO	CEO/YES
35	Demolition Waste Disposal	NO	NO	NO	NO	PB	NO	NO	PB	PB	NO
36	Dw elling, Single-Family	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	NO	NO	NO	NO	NO
37	Dw elling, Tw o Family Housing	PB	PB	NO	CEO/YES	CEO/YES	NO	PB	NO	NO	NO
38	Dw elling, Multi-Family	NO	CEO/YES	CEO/YES	PB	YES	PB	PB	NO	NO	NO
39	Dw elling, Third Story Apartment	NO	PB	NO	PB	PB	PB	PB	NO	NO	NO
40	Fire, Ambulance or Police Station	NO	NO	NO	PB	NO	PB	PB	PB	PB	NO 14
41	Firew ood Processing, Commercial	NO	NO	NO	PB	PB	NO	NO	CEO/YES	CEO/YES	NO
42	Funeral Home	PB	PB	NO	CEO/YES	PB	CEO/YES	CEO/YES	CEO/YES	CEO/YES	NO

	Principal Land Use Activity	R-1	R-2	R-2A	RC-2	R-3	C-1	C-2	I-1	I-2	H-1
43	Golf Course	NO	NO	NO	PB	PB	NO	NO	NO	NO	NO
44	Government Facility	NO	PB								
45	Helipad or Heliport	NO	NO	NO	PB	PB	NO	NO	PB	PB	PB
46	Home Occupation One	CEO/YES	NO	NO	NO						
47	Home Occupation Two	PB	PB	PB	CEO/YES	CEO/YES	CEO/YES	CEO/YES	NO	NO	NO
48	Hospital or Clinic	NO	NO	NO	PB	PB	PB	CEO/YES	CEO/YES	CEO/YES	CEO/YES
49	Hotel, Motel or Inn	NO	NO	NO	CEO/YES	PB	PB	CEO/YES	NO	NO	PB
50	Junkyard	NO	NO	NO	NO	PB	NO	NO	PB	PB	NO
51	Kennel	NO	NO	NO	PB	PB	NO	PB	PB	PB	NO
52	Laundry or Dry Cleaning	NO	NO	NO	PB	PB	CEO/YES	CEO/YES	CEO/YES	CEO/YES	NO
53	Library	NO	NO	NO	PB	PB	CEO/YES	CEO/YES	CEO/YES	CEO/YES	NO
54	Livestock and Poultry (Personal Use)	NO	NO	NO	PB	CEO/YES	NO	NO	NO	NO	NO
55	Livestock and Poultry (Commercial)	NO	NO	NO	NO	PB	NO	NO	NO	NO	NO
56	Manufacturing, Heavy	NO	NO	NO	NO	NO	PB	PB	PB	PB	NO
57	Manufacturing, Light	NO	NO	NO	PB	NO	PB	PB	PB	PB	NO
58	Mineral Exploration & Extraction	NO	NO	NO	NO	PB	NO	NO	PB	PB	NO
59	Mineral Storage	NO	NO	NO	NO	PB	NO	NO	PB	PB	NO
60	Mobile Homes	NO	NO	CEO/YES	NO	CEO/YES	NO	NO	NO	NO	NO
61	Mobile Home Park	NO	NO	NO	PB	PB	NO	NO	NO	NO	NO
62	Mobile Home, Temporary Housing, Seasonal Agriculture	NO	NO	NO	NO	PB	NO	NO	NO	NO	NO
63	Museum	NO	NO	NO	CEO/YES	PB	CEO/YES	CEO/YES	PB	PB	NO
64	Newspaper or Printing Plant	NO	NO	NO	PB	PB	PB	PB	CEO/YES	CEO/YES	NO
65	Nursing Home, Group Home, Hospice or Assisted Living Ctr	NO	PB	NO	PB	PB	NO	NO	NO	NO	PB
66	Owner Operated General Store or Grocery Store	NO	NO	NO	CEO/YES	PB	CEO/YES	CEO/YES	NO	NO	NO
67	Personal Service Business	NO	NO	NO	CEO/YES	CEO/YES	CEO/YES	CEO/YES	NO	NO	NO
68	Pet Grooming	NO	PB	NO	CEO/YES	CEO/YES	CEO/YES	CEO/YES	NO	NO	NO
69	Pharmacy or Retail Medical Supply Store	NO	NO	NO	CEO/YES	NO	CEO/YES	CEO/YES	PB	PB	CEO/YES
70	Private Club	NO	NO	NO	CEO/YES	PB	CEO/YES	CEO/YES	CEO/YES	CEO/YES	NO
71	Public or Private School	PB	NO								
72	Public Utility	NO	PB	PB	PB	PB	PB	PB	CEO/YES	CEO/YES	NO
73	Recycling Collection Point	NO	NO	NO	PB	PB	PB	PB	CEO/YES	CEO/YES	NO
74	Recycling Facility	NO	NO	NO	CEO/YES	PB	CEO/YES	CEO/YES	PB	PB	NO
75	Research, Testing and Development Laboratory	NO	NO	NO	PB						
76	Restaurant	NO	NO	NO	CEO/YES	PB	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES
77	Retail Use	NO	NO	NO	CEO/YES	PB	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES
78	Retail Use with Outdoor Sales or Service	NO	NO	NO	PB	PB	PB	CEO/YES	CEO/YES	CEO/YES	NO
79	Riding Stable (Commercial)	NO	NO	NO	PB	PB	NO	PB	PB	PB	NO
80	Saw mill	NO	NO	NO	PB	PB	NO	NO	CEO/YES	CEO/YES	NO

	Principal Land Use Activity	R-1	R-2	R-2A	RC-2	R-3	C-1	C-2	I-1	I-2	H-1
81	Self Storage, Commercial	NO	NO	NO	PB	PB	NO	CEO/YES	CEO/YES	CEO/YES	NO
82	Septage Spreading and/or Storage	NO	NO	NO	NO	PB	NO	NO	NO	NO	NO
83	Shopping Center	NO	NO	NO	PB	NO	PB	PB	PB	PB	NO
84	Sludge Spreading and/or Storage	NO	NO	NO	NO	PB	NO	NO	NO	NO	NO
85	Telecommunications Facility	NO	NO	NO	PB	PB	NO	NO	CEO/YES	CEO/YES	NO
86	Veterinary Hospital	NO	NO	NO	PB	PB	PB	PB	PB	PB	NO
87	Warehousing	NO	NO	NO	PB	PB	NO	NO	CEO/YES	CEO/YES	NO
88	Wholesale Business	NO	NO	NO	PB	NO	NO	PB	CEO/YES	CEO/YES	NO
89	Structure Accessory to Permitted Use	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES
90	Temporary Non-Conforming Structure or Use	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES
91	Use Similar to Use Requiring CEO Review & Permit	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES	CEO/YES
92	Use Similar to Use Requiring PB Review & CEO Permit	PB	PB	PB	PB	PB	PB	PB	PB	PB	PB

Sec. 13-205 Dimensional Requirements.

1. Lots and structures in all Districts shall meet or exceed the dimensional requirements listed below.
2. Height requirements do not apply to barns, barn silos, flagpoles, chimneys, transmission towers, steeples, windmills, cooling towers, elevator bulkheads, sky lights, ventilators, and other necessary appurtenances carried above roofs; nor towers, stacks, spires, if not used for human occupancy; nor to ornamental towers, observatory towers, television and radio broadcasting towers and antennas and similar structures that do not occupy more than twenty-five (25) percent of the lot area; nor to churches and public institutional buildings; nor similar structures, usually erected at a greater height than the principal building, however such accessory structures or appurtenances require a lot line setback distance of no less than its height.
3. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirement, herein. Yards or lots created after the effective date of this Ordinance shall meet or at least the minimum requirements, herein.
4. No part of a yard, or other open space, or off-street parking or loading space required about in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
5. The front yard setback requirements of this Ordinance for dwellings shall not apply to any lot where the average setback on developed lots located wholly or in part within 100 feet on each side of such lot and within the same block and zoning District and fronting on the same street as such lot, is less than the minimum setback required. In such cases the front yard setback on such lot may be less than the reduced setback, but not less than the average of the existing setbacks on the developed lots.
6. Dimensional requirements for mobile home park lots are in Sec. 13-408, "Mobile Homes".
7. 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.

Zoning District	Dimensional Requirements			Minimum Setback Dimensions			
	Minimum Lot Size	Minimum Lot Frontage	Maximum Lot Coverage	Principal and Accessory Structures			Maximum Height
				Front (from ROW)	Side (Each)	Rear	
R-1	Single Family Dw elling: 9,000 SF Tw o Family Dw elling: 10,500 SF Other Allow ed Use: 12,000 SF	Single Family Dw elling: 85' Tw o Family Dw elling: 95' Other Allow ed Use: 100'	30%	20'	5'	10'	35'
R-2	Single Family Dw elling: 9,000 SF Tw o Family Dw elling: 10,500 SF Multi Family Dw elling: 12,000 SF Plus 1,500 SF for Each Additional Dw elling Unit. Other Allow ed Use: 10,500 SF	Single Family Dw elling: 75' Tw o Family Dw elling: 85' Multi Family Dw elling: 95' Plus 10' for Each Additional Dw elling Unit Other Allow ed Use: 85'	30%	20'	5'	10'	35'
MU	43,560 SF	150'		30'	15'	15'	60'
R-3	Single Family Dw elling: 43,560 SF Tw o Family Dw elling: 65,000 SF Multi Family Dw elling: 87,000 SF Plus 10,000 SF for Each Additional Dw elling Unit Other Allow ed Use: 65,000 SF	Single Family Dw elling: 150' Tw o Family Dw elling: 160' Multi Family Dw elling: 175' Plus 10' for Each Additional Dw elling Unit Other Allow ed Use: 160'	30%	30'	15'	15'	35'
C-1			100%	0'	0'	0'	45'
C-2			50%	10'	10'	10'	45'
I-1	43,560 SF	100'	75%	20'	10'	20'	45'
I-2	43,560 SF	100'	40%	20'	10'	20'	45'
H-1	W/Public Sew er: 9,000 SF WO/Public Sew er: 20,000 SF	75'	40%	40'	10'	20'	0'
A-1			75%	10'	10'	10'	45'

Sec. 13-206 Non-Conformance.

1. General.

- A. Continuance, Enlargement, Reconstruction: Any non-conforming use, non-conforming lot of record, or non-conforming structure may continue to exist, but may not be extended, reconstructed, enlarged, or structurally altered except as specified below.
- B. Transfer of Ownership: Non-conforming structures, non-conforming lots of record, and non-conforming uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
- C. Restoration or Replacement: This Ordinance allows the normal upkeep and maintenance of non-conforming uses and structures; repairs, renovations, or modernizations which do not involve expansion of the non-conforming use or structure and the value of which is less than 25 percent of the market value of the structure before the repair is started; and such other changes in a non-conforming use or structure as Federal, State, or local building and safety codes may require. Any non-conforming use or structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or their agent, may be restored or reconstructed within one (1) years of the date of said damage or destruction, provided that:
 - 1. The non-conforming dimensions of any restored or reconstructed structure shall not exceed the non-conforming dimensions of the structure it replaces;
 - 2. Any non-conforming structure shall not be enlarged except in conformity with this Ordinance and the *Maine Subsurface Wastewater Disposal Rules*; and
 - 3. Any non-conforming use shall not be expanded in area.

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

- D. Essential Service: Nothing within this Section shall restrict the extension, reconstruction, enlargement, or structural alteration of essential services. All plans for the extension, reconstruction, enlargement, or structural alteration of essential services shall be reviewed by the Planning Board.
- E. Shoreland Areas: In designated shoreland areas, any non-conformance shall be required to meet the standards for that non-conformance contained in the Caribou Shoreland Zoning Ordinance.

2. Non-Conforming Use.

- A. Resumption Prohibited: A lot, building, or structure in or on which a non-conforming use is discontinued for a period exceeding one (1) year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use, even if the owner has not intended to abandon the use.
- B. A Structure Non-Conforming as to Use: Except for single-family dwellings, a building or structure non-conforming as to use shall not be enlarged unless the non-conforming use is terminated. Except in a Resource Protection District of the Caribou Shoreland Zoning Ordinance, single family dwellings, which are non-conforming uses, may be enlarged as long as the dimensional requirements of the District in which they are located are met. A non-conforming use of part of a building or structure shall not be extended throughout other parts of the building or structure unless those parts of the building or structure were manifestly arranged or designed for such use prior to the adoption of this Ordinance, or of any amendment making such use non-conforming.
- C. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use is equally or more appropriate to the District than the existing non-conforming use, and the impact on adjacent properties is less adverse than the impact of the former use as determined by the Board of Appeals. The case shall be heard as an administrative appeal. The determination of appropriateness shall require written findings on the probable changes in traffic (volume and type), parking, noise, potential for

litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. Sec. 13-700 "General Requirements" of these Ordinances shall apply to such requests to establish new non-conforming uses.

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

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

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

3. Non-Conforming Structures.

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

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

4. Non-Conforming Lots of Record.

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