



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, March 4, 2015 at 5:30 p.m.
Caribou City Council Chambers**

- I.** Call Meeting to Order
- II.** Minutes of the February 4, 2015 regular meeting 2-3
- III.** Old Business
 - a. Site Design Review Application – Facilities Inc 7 Russ Street 4-15
 - b. Mobile Home Ordinance 16-19
 - c. Chapter 13 Re-write 20-40
- IV.** New Business
- V.** Other Business
 - a. Updates from the Manager 41
- VI.** Adjournment



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

In Attendance: Phil Cyr, Bob White, Graham Freme and Philip McDonough III

Members Absent: Jim Cerrato, Todd Pelletier and Matthew Hunter

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 January 7, 2015 Organizational Meeting** – Bob White moved to approve the minutes as presented; seconded by Philip McDonough III; Vote was unanimous.
- III. Minutes of January 7, 2015 Regular Meeting** – Graham Freme moved to approve the minutes as presented; seconded by Bob White; Vote was unanimous.
- IV. Old Business –**
 - A) Nuisance Property Ordinance** – Public Hearing was opened at 5:31 pm. With no public comment, the Public Hearing was closed at 5:32 pm. Philip McDonough III moved to send the Nuisance Property Ordinance to the City Council with recommendation to pass; seconded by Bob White; Vote was unanimous.
 - B) Manufactured Housing Ordinance** – Austin Bless explained that this Ordinance repeals the current Ordinance that has a number of requirements including dimensional requirements, road design, utility requirements, lighting, solid waste removal and more. This Ordinance requires construction to be done according to state standards. This is the first time it is being brought to the Board after being completed by the Mobile Home Advisory Committee. It can go to Public Hearing at the next meeting. The Board discussed what was included under shingled roofs as referenced in the Ordinance. Austin read the definition under State Statute and he explained that the Committee did review this and they voted to keep it in after reviewing State Statute. The Board questioned if this item should go to legal counsel for review. Austin Bless stated he would discuss it with the Manufactured Housing Board. Bob White moved to hold a Public Hearing on this Ordinance; seconded by Graham Freme; Vote was unanimous.
- V. New Business –**

- A) **Chapter 13 Re-Write** – The Board reviewed the first section of the Zoning Ordinance, Section 13-100. They discussed purposes and decided it was helpful to keep this in the Ordinance. Only one change was proposed under effective date. Austin explained that only a consensus was needed at this time. The Board will vote on it as one document at the end of the process. There was Board consensus to accept the one proposed change and leave the rest as is.

VI. Other Business –

- B) **Independent Living** – The Board discussed a proposed Independent Living Facility. Austin explained that the architect should be submitting plans soon and they are looking at construction in the spring. The proposed location is in the H-1 District and Congregate Housing, which this falls under, requires site design review by the Planning Board. The first step is the concept plan, then thirty days later, review and a public hearing.

Austin also told the Board about a Site Design Application from Facilities Inc. They currently have an office building in the C-2 Zone. They would like to add an apartment in that building. A residential unit in the C-2 Zone requires site design review. All the work will be interior, no changes to the exterior of the building. It is a single story building, one half will be the office and the other half will be an apartment. Austin Bleess stated that no action was needed at this time. He just wanted to give a general overview of the concept plan. This will be on the agenda for the March 4th meeting.

- C) **Adjournment** – Gram Freme moved to adjourn the meeting at 5:55 pm; seconded by Philip McDonough III; 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 Bless, City Manager
Date: March 4, 2015
Re: Site Design Review

On the following pages is the application from Facilities Inc to put an apartment in part of their office building at 7 Russ Street. The property is zoned C-2. In a C-2 zone a single family dwelling is not allowed, but a two family, multi-family or third story apartment is allowed with Planning Board approval.

The plan is to put the apartment in the western part of the building. Egress windows will be installed in all bedrooms. There is no change to the existing footprint of the building. It also does not appear there would be any changes to the property the building sits on.

This does need approval from the State Fire Marshal's Office as it is a residential and commercial combination. Any approval by the planning board should have this as a condition of approval.

The Criteria for this review is found in Chapter 13 Section 303 and is as follows:

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

The Comprehensive Plan as recently approved reads: The Commercial District is intended primarily for commercial uses to which the public requires free and easy access and to provide for a wide range of associated activities in the business community. In order to protect the integrity of the Commercial Zone, residential dwelling units are not allowed on the first floor (street level) of buildings in the Commercial Zone. Accessory and incidental residential dwelling units may be developed on the floors other than the first floor.

- B. Traffic.
Staff does not believe there will be an unreasonable increase in traffic.
- C. Site Access.
Staff does not believe Site Access is a problem under this proposal.
- D. Parking and Vehicle Circulation.
Staff does not believe this will be a problem.

- E. Pedestrian Circulation.
Staff does not believe this will be a problem.

- F. Site Conditions.
Staff does not believe this will be a problem.

- G. Open Space.
Staff does not believe this will be a problem.

- H. Sanitary Sewage.
Staff does not believe this will be a problem.

- I. Water.
Staff does not believe this will be a problem.

- J. Emergency Vehicle Access
Staff does not believe this will be a problem.

- K. Waste Disposal.
Staff does not believe this will be a problem.

- L. Buffering. The proposal provides for adequate on-site buffering in the vicinity of property boundaries, when required. On-site buffering is required:
 - 1. Wherever commercial, industrial, or other non-residential development is proposed adjacent to or across a street from residential or agricultural uses or Districts; and
 - 2. As required by Sec. 13-700, (5).Staff feels this may be an area the Planning Board wants to look at.

- M. Natural Areas.
Staff does not believe this will be a problem.

- N. Exterior Lighting.
Staff does not believe this will be a problem.

- O. Stormwater Management.
Staff does not believe this will be a problem.

- P. Erosion and Sedimentation Control.
Staff does not believe this will be a problem.

- Q. Buildings.
Staff does not believe this will be a problem.

- R. Existing Landscaping.
Staff does not believe this will be a problem.
- S. Infrastructure.
Staff does not believe this will be a problem.
- T. Advertising Features.
Staff does not believe this will be a problem.
- U. Design Relationship to Site and Surrounding Properties.
Staff does not believe this will be a problem.
- V. Scenic Vistas and Areas.
Staff does not believe this will be a problem.
- W. Utilities.
Staff does not believe this will be a problem.
- X. Mineral Exploration.
Staff does not believe this will be a problem.
- Y. General Requirements.
Staff does not believe this will be a problem.
- Z. Phosphorus Export.
Staff does not believe this will be a problem.

The public hearing for this has been properly advertised, and needs to be held tonight. After that the Planning Board may take action on this.

On the following pages is a overhead view of the property with property lines, and a street view photo, along with the full applications.







Site Design Application

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

(207) 493-4234 X 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 plus \$10.00 per 2000 square feet of total gross floor area for commercial, industrial or other non residential applications.

Please print or type all information

Name of Property Owner / Developer: Facilities INC.

Development Name: _____

Location of Property (Street Locations): 7 RUSS ST.

City of Caribou Tax Map: 24 Lot: 65A Zone: C-2

Site Design Review Application – City of Caribou, Maine

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

Applicant Information

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

Brian Ostlund

Phone: 498-3709 cell: 227-7022

E-mail: brian@me-facilities.org

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

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

_____ Phone: _____

_____ Phone: _____

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

owner

(Attach supportive legal documentation)

General Information

Aroostook County Registry Deeds: Book # 2346 3110 Page # 19 315 (attach copy of deed)

What interest does the applicant have in any abutting property? none

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

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

Total area or acreage of parcel: .7 acre Total area or acreage to be developed: Foot print unchanged

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

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

space

Indicate any restrictive covenants to be placed in the deed: none

(Attach list if needed)

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

Recreation area(s) Estimated Area & Description: _____

Common land(s) Estimated Area & Description: _____

Anticipated start date for construction: month / year 3 / 15 Completion: 4 / 15

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

Does this development require extension of public services? Yes No

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

Estimated cost for infrastructure improvements: \$ 2000

Water Supply: Private Well: Public Water Supply:

Sewerage Disposal: Private SSWD: Public Sewer:

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

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

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

Does the building have an automatic sprinkler system? Yes No

Does the building have an automatic fire detection system? Yes No

Will the development require a hydrant or dry hydrant fire pond? Yes No

Concept Plan Review Criterion

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

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

2. _____ Name of the proposed development and location.
3. _____ Names and addresses of all property owners within 500 feet of the property.
4. _____ A copy of the deed to the property, option to purchase the property, or other documentation to demonstrate right, title, or interest in the property on the part of the applicant.
5. _____ Names and addresses of all consultants working on the project. - done by owner
6. _____ 1 complete set of plans, 24" X 36" & 10 complete sets of plans, 11" X 17"
Plans to be included:
Boundary Survey
Storm Water Management
Erosion and Sediment Control
Finish Grading Plan
Site Improvement Detail
Building Elevations and Structural Plans
7. **Plans to show the following elements for review:** *No change to building footprint*
 - _____ a. Graphic scale and north arrow.
 - _____ b. Location and dimensions of any existing or proposed easements and copies of existing covenants or deed restrictions.
 - _____ c. Name, registration number, and seal of the land surveyor, architect, engineer, and/or similar professional who prepared the Plan.
 - _____ d. All property boundaries, land area, and zoning designations of the site, regardless of whether all or part is being developed at this time.
 - _____ e. Size, shape, and location of existing and proposed buildings on the site including dimensions of the buildings and setbacks from property lines.
 - _____ f. Access for Emergency Vehicles, location and layout design of vehicular parking, circulation areas, loading areas, and walkways including curb cuts, driveways, parking space and vehicle turn around areas.
 - _____ g. Location and names of streets and rights-of-way within 200' and adjacent to the proposed development.
 - _____ h. Proposed finish grades and graphic arrows indicating the direction of storm water runoff.
 - _____ i. Conceptual treatment of on and off site storm water management facilities.
 - _____ j. Location and sizes of existing and proposed sewer and water services including connections.
 - _____ k. Conceptual treatment of landscaping buffers, screens, and plantings.
 - _____ l. Location of outdoor storage areas, fences, signage and accessory structures.
 - _____ m. Context map illustrating the area surrounding the site which will be affected by the proposal including all streets, sidewalks, intersections, storm water drainage ways, sanitary sewer lines and pump stations, nearby properties and

buildings, zoning Districts, and geographic features such as, but not limited to, wetlands, natural features, historic sites, flood plains, significant scenic areas, and significant wildlife habitats as provided in the Comprehensive Plan.

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

Final Site Design Plan Requirements

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

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

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

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

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

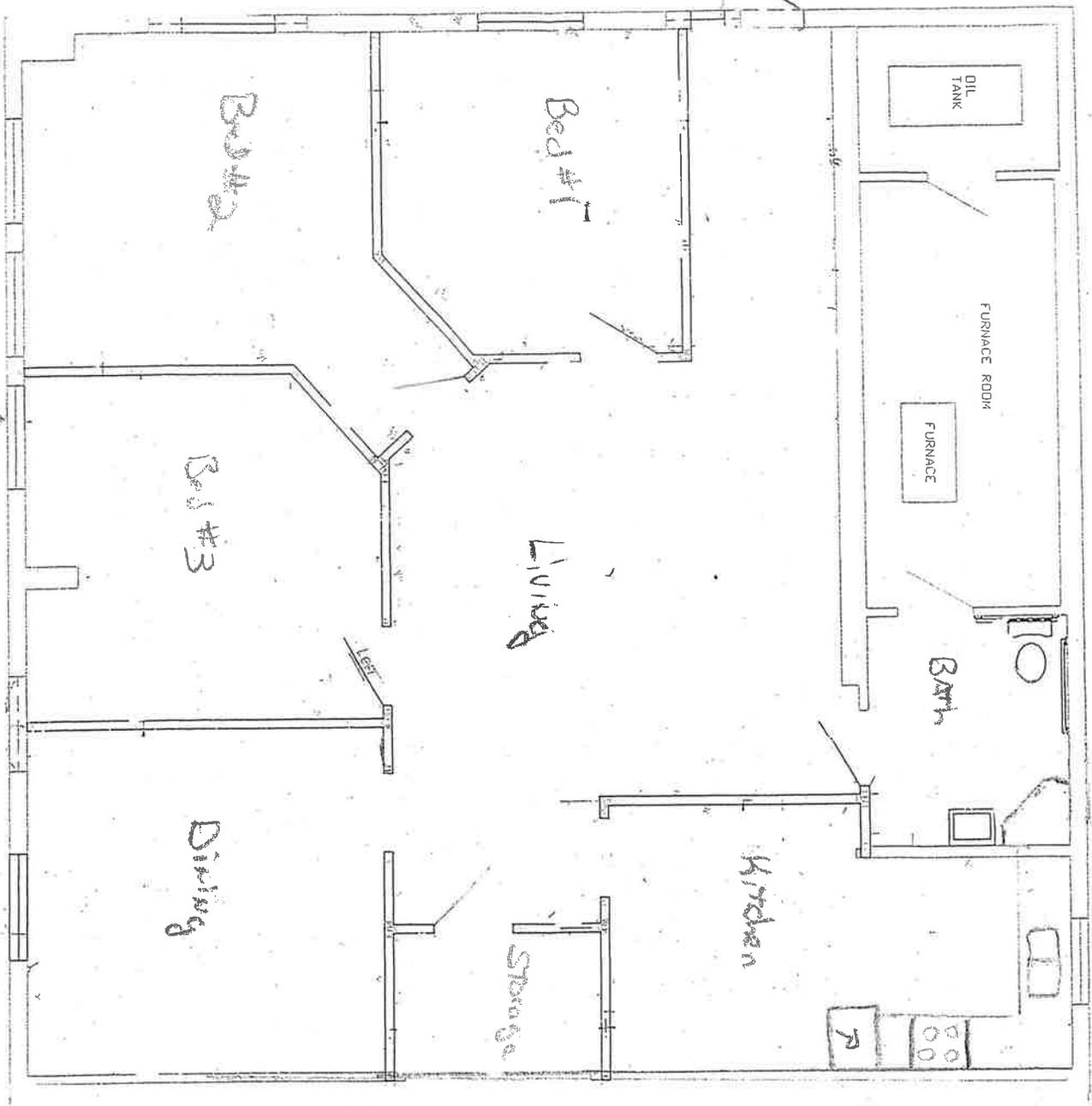
Final Site Design Plans shall provide an area designated for all seven Planning Board members signatures.

Applicant Signature:

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

Signature of Applicant:  Date: 2/2/15

Approximate location of this data is shown
U = Approximate location of this data is shown



This portion has own heat

R.



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Chairman and Planning Board Members
From: Austin Bless, City Manager
Date: March 4, 2015
Re: Manufactured Housing Ordinance

On the following pages is the final product of the great work done by the members of the Community Mobile Home Advisory Committee. I would like to thank the Planning Board members, City Councilors, and citizens that all took time to be a part of that committee to help improve the mobile home ordinance for the City.

The ordinance repeals the current ordinance that has a number of requirements including dimensional requirements, road design, utility requirements, lighting, solid waste removal and more.

For the most part 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.

I did chat with the State on the metal roofing issue we discussed last month. They are certainly okay with metal roofs that we have today. The definition was more to not allow metal that would typically be seen on barns or siloes from being used as roofing materials.

The public hearing has been properly advertised and needs to be held tonight. After the public hearing the planning board may take action on the ordinance.

The following ordinance is being considered by the Planning Board for possible recommendation for action to the City Council.

Ordinance No. __, 2015 Series
City of Caribou
County of Aroostook
State of Maine

AN ORDINANCE AMENDING CHAPTER 13, SECTION 13-408, MOBILE HOME PARKS

Short Title: Manufactured Housing Ordinance.

The City Council of the City of Caribou, County of Aroostook, State of Maine, pursuant to the requirements of the City of Caribou Charter, Section 2.11 (1) does ordain the following:

Section 13-408, Mobile Home Parks, of Chapter 13, The Land Use Ordinances of the City of Caribou, of the Caribou City Ordinances is hereby repealed.

Section 13-408, Mobile Home Parks, of Chapter 13, The Land Use Ordinances of the City of Caribou, of the Caribou City Ordinances is hereby created and shall read as follows:

MANUFACTURED HOUSING ORDINANCE, CITY OF CARIBOU

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

1. Mobile Home Parks & Manufactured Housing Administration

- a) A mobile home park shall comply with the standards contained within this Ordinance, the Maine Manufactured Housing Board and all other applicable state statutes regarding the establishment and maintenance of a mobile home park.
- b) The owner of a mobile home park must maintain a list of all tenants containing the following information: name and mailing address of each owner of manufactured housing located within the park, manufacturer's name, model number, year, serial number, and lot identification/number. This list must be submitted annually to the assessor's office by April 15 with information current as of April 1.
- c) No manufactured housing may be moved into a mobile home park nor any Certificate of Occupancy issued for any mobile home park which does not have a current license with the State of Maine to operate as a mobile home park or a park which has been determined by the Code Enforcement Officer to be out of compliance with this ordinance.

- d) Mobile home parks constructed after the effective date of this ordinance are required to undergo City of Caribou subdivision and site design review with all plans prepared by a certified engineer.
- e) Upon the effective date of this ordinance, owners of mobile home parks must obtain a permit from City Code Enforcement Officer before any manufactured housing unit is allowed to enter the mobile home park.
- f) A mobile home park owner wishing to appoint an agent who can act on the park owner's behalf must complete the City of Caribou Property Management Application form. Only agents duly appointed through the approved Property Management Application process shall be authorized to act on behalf of the park owner.
- g) Mobile home park owners are responsible for compliance with the City of Caribou Property Maintenance Code for all lots within the park regardless of the ownership of the manufactured housing unit.
- h) No manufactured housing may be occupied until a Certificate of Occupancy has been issued by the Code Enforcement Officer or at his/her discretion the Building Inspector.
- i) No manufactured housing may be brought into Caribou or moved within the City without written proof of property tax being paid for the current tax year and all previous years from Caribou or the municipality where the housing unit was last assessed.
- j) No mobile homes shall be brought into the City that are not manufactured according to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq.; 24 CFR Part 3280 and Part 3282.

2. Manufactured Housing Design Standards

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

- a) Maine Manufactured Housing Board Standards for installation for newly constructed units.
- b) Shall be placed on a permanent foundation.
- c) All manufactured housing located on private lots or in mobile home parks whether rented, leased or owned are required to have siding that is residential in appearance or the original factory installed siding.
- d) All manufactured housing is required to be enclosed between the bottom of the home and the ground with material that is residential in nature or the original factory installed

siding.

- e) A pitched shingled roof or the factory installed roof.
- f) Accessory structures, including but not limited to decks, porches, car ports, garages, steps, ramps, entry ways, covered entry ways, which are not part of the original manufactured housing as approved by the State of Maine are subject to City building and zoning codes including, but not limited to, land use ordinances and the Maine Uniform Building and Energy Code.

3. Definitions

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

4. Effective Date

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



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Chairman and Planning Board Members
From: Austin Bless, 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.

There are a few proposed changes in the language. There may be other areas the board would like to see modified as well.

We certainly do not have to make it all the way through the changes tonight if the board wishes to only take a part of the ordinance tonight.

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.

a. 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.

b. 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.
- c. Stormwater Runoff/Snow and Ice Control.
- i. Drainage systems, including detention basins, drainage ways, and storm sewer systems, shall be maintained in order to insure they function properly.

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

d. Industrial and Maintenance Operations.

- i. 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.
- ii. Buildings, rooms, and areas where chemical potential pollutants are used, handled, or stored shall be designed to contain spills and or leaks.
 - 1. Floor drains shall not be used except as required by fire regulations; and
 - 2. 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.
- iii. Spill/leakage prevention and detection programs shall be maintained and updated.
 - 1. Plans shall insure the regular collection and transport of chemicals; and
 - 2. Plans shall provide for inspection of containers and storage areas on a regular basis.
- iv. A spill clean-up plan shall be maintained and updated annually. The plan shall:
 - 1. Insure adequate materials and equipment are available;
 - 2. Insure that personnel are trained; and
 - 3. Insure that the local fire department is knowledgeable of clean-up procedures.
- v. Wash waters and other diluted wastes shall be adequately treated consistent with State law and the current pre-treatment ordinances.
 - 1. Wastes shall be discharged to sewer systems where possible; and
 - 2. Grease traps and oil separators shall be installed where necessary and shall be maintained on a regular basis.

e. Septic/Sewage Disposal.

- i. 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.
- ii. Construction of sewers and septic systems shall be carefully inspected to insure proper installation.
- iii. 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.
- iv. Provisions shall be made to maintain sewer and septic systems.
- v. Sewers and drainage systems shall be designed to insure that stormwater does not enter sanitary sewers.
- vi. 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.
- vii. Chemicals, industrial wastes, floor drains and stormwater drains (i.e. roof drains) shall not be discharged to septic systems.

f. Waste Disposal Handling.

i. Inert Fill.

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

ii. Transfer Station/Recycling Facilities.

1. All storage areas shall be located a minimum of 5 feet above the seasonal high ground water table;
2. Sanitary wastes shall be disposed of into a public sewer or in accordance with the State of Maine Subsurface Wastewater Disposal Rules;
3. 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;
4. Gravel, asphalt, or concrete pads or steel or aluminum containers shall be used for storage facilities for white goods and tires;
5. Facilities shall not be located in 100 year floodplain;
6. An Operating Manual shall insure that only non-hazardous municipal solid waste is accepted;

7. For recycling facilities, an Operating Manual shall insure that only clean, marketable recyclables are collected; and
 8. For recycling facilities, storage of residuals shall be accomplished to prevent spillage and leakage.
- iii. Municipal, Commercial, Industrial, and Other Special Wastes.
1. All handling, storage, and transfer shall comply with MDEP rules; and
 2. Storage and transfer areas shall comply with the management practices listed in 2. Above.
- iv. Junkyards/Metal Processing.
1. Fluids shall be removed in a secure area and stored for appropriate disposal;
 2. Fluids shall be disposed in accordance with state and federal laws; and
 3. Records shall be maintained to indicate the quantities of fluids handled.
- g. Chemical and Petroleum Handling and Storage.
- i. Non-hazardous chemicals shall be substituted for hazardous varieties whenever possible.
 - ii. A detailed inventory shall be maintained.
 - iii. Provisions shall be made to clean-up all spills immediately with an absorbent material or other methods and dispose of them properly.
 - iv. Hazardous materials shall be stored in secure, corrosion, resistant containers.
 - v. Storage shall be in above-ground, corrosion resistant tanks. The following provisions shall be complied with:
 1. A diked area shall be provided around tanks to contain spills. The volume of diked area shall equal the volume of product stored;
 2. A roof shall be provided over containment areas to prevent collection of rain water; and
 3. Drains shall not be installed in containment areas.
 - vi. 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.
 - vii. 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.

- viii. Non-bulk storage of chemicals shall be inside. Such storage areas shall comply with the following:
 - 1. Floor drains shall not be used;
 - 2. 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
 - 3. Storage and handling areas shall have waterproof dikes around perimeter so as to contain spills.
- ix. Tanks shall be equipped with automatic shutoffs and/or high level alarms.
- x. Spill and leak detection programs shall be maintained and updated annually.
- xi. Oil and water separators shall not be used to remove dissolved compounds or oil and greases which had been subjected to detergents.
- xii. 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.
- xiii. 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.
- xiv. Procedures shall be made to catch and store chemicals spilled at loading docks and other transfer areas.
- xv. Provisions shall be made to periodically inspect and test tanks and lines for leaks.
- xvi. The facility and equipment shall be designed to:
 - 1. Prevent tank overflows; and
 - 2. Prevent line breakage due to collision
- xvii. Provisions shall be made to have:
 - 1. Emergency diking materials available; and
 - 2. Emergency spill cleanup materials available.
- xviii. The facility and equipment shall be designed to:
 - 1. Prevent tank overflows; and
 - 2. Prevent line breakage due to collision
- xix. Exterior transfer and handling sites shall be graded and sloped to prevent runoff for other areas from entering the handling areas.
- xx. Residential storage tanks for home heating fuel shall be located in cellars or on a concrete slab above the ground if outside.

h. Sand and Gravel Mining.

- i. Limit Depth of Excavation.

1. Excavation shall be limited to 5 feet above the seasonal high water table;
 2. 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
 3. If water supply wells are present within 500 feet of the proposed excavation, ground water level monitoring wells shall be installed.
- ii. Haul roads shall be watered to control dust. Salting and oiling of roads is prohibited.
 - iii. Petroleum Storage.
 1. 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;
 2. A spill prevention plan shall be maintained and updated; and
 - iv. A reclamation plan shall be provided, maintained, and used.

i. Agriculture/Open Space/Power Lines.

- i. Soil tests shall be used to determine proper amounts of nutrients and limestone (pH adjustment).
- ii. Nutrients shall be applied uniformly and only at levels required.
- iii. Split fertilizer applications should be used for new planting, where possible.
- iv. A slow release form of fertilizer should be used, where possible.
- v. Nutrients shall not be applied to very shallow soils or exposed bedrock.
- vi. Chemical fertilizer application equipment shall be calibrated.
- vii. Irrigation shall be scheduled to minimize leaching potential.
- viii. Limit applications of nitrogen fertilizers to the spring or fall.
- ix. Nutrients shall not be applied during winter months when ground is frozen or snow covered.
- x. Fertilizers and manure shall be stored in properly located and constructed facilities during periods when application is not suitable.
- xi. All federal and state laws regulating pesticides shall be followed.
- xii. Material safety data sheets shall be kept accessible.
- xiii. Application of fertilizers and pesticides shall be accomplished by certified applicators.
- xiv. Secure, safe storage shall be provided for used pesticide containers and dispose of containers in accordance from federal and state law.

j. Silvaculture.

- i. Silvicultural Chemical Handling and Storage.
 1. 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;
 2. The Best Management Practices for Chemical Use and Storage should be followed;
 3. The Best Management Practices for Waste Disposal shall be followed; and
 4. 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 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.
 - 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.



OFFICE OF THE CITY MANAGER
CARIBOU, MAINE

To: Chairman and Planning Board Members
From: Austin Bless, City Manager
Date: March 4, 2015
Re: Updates from Manager

The City Council has approved the Nuisance Property Ordinance. At the public hearing they held there was no one that spoke on the ordinance. Thank you to the Planning Board for all of the hard work on that ordinance over the past several months.

The independent living project is not quite ready to move forward yet. I will keep the board informed as we received information on the project.