

# **CHAPTER 9**

## **BUSINESS DISTRICT REVITALIZATION ORDINANCE**

CITY OF CALAIS  
LAND USE CODES  
BUSINESS DISTRICT REVITALIZATION ORDINANCE

**SECTION 1. PURPOSE**

This Ordinance is adopted in accordance with the Charter of the City of Calais and the laws of the State of Maine for the following purposes:

1. to promote the public health, safety, convenience, comfort, aesthetics, property, and general welfare of the inhabitants and property owners of the City of Calais;
2. to establish a positive and identifiable image for the downtown area for the purposes of encouraging private investment, increasing the stability of property values, and enhancing the community's economic viability; , while preserving the architectural character of the existing historic buildings.

**SECTION 2. GENERAL PROVISIONS**

- A. Calais Business District Revitalization Area:** The Calais Business District Revitalization Area (hereinafter "Area") shall encompass and include all properties located on the Calais Business District Revitalization Area Map (attached hereto as Exhibit A1) including all lots which abut the interior boundary line of said Area.
- B. Regulation:** Every building, structure, or land within the Area shall be rehabilitated by their owners, in accordance with the provisions contained herein, to comply with the minimum Property Rehabilitation Standards set forth in this Ordinance. In addition, any exterior change (other than rehabilitative maintenance which does not alter the architectural design of the building, structure, or element thereof of emergency repairs) to any building, structure or land within the Area shall comply with the Property Design Standards set forth in this Ordinance.
- C. Scope:** The provisions of this Ordinance shall not be construed to repeal, abrogate, annul or in any manner impair or interfere with the provisions of other laws or ordinances, except those specifically repealed by this Ordinance. Where this Ordinance imposes a greater restriction upon land, building, or structures than is imposed by any other provision of law or ordinance, the provisions of this Ordinance shall prevail.
- D. Severability:** If any section, subsection, sentence, clause, phrase or other portion of this Ordinance is for any reason held

invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such determination shall not affect the validity of the remainder of this Ordinance.

### **SECTION 3. ADMINISTRATION AND ENFORCEMENT**

**A. Administration and Enforcement:** The administration and enforcement of this Ordinance shall be the responsibility of the Code Enforcement Officer.

**B. Powers and Duties:** The Code Enforcement Officer shall be vested with full authority and responsibility for the enforcement and administration of this Ordinance, including, but not limited to the following powers and duties:

1. Inspection of each property in the Area to determine whether the property is in compliance with the minimum Property Rehabilitation Standards set forth in this Ordinance.
2. If the Code Enforcement Officer shall find and determine that any property does not comply with the provisions of this Ordinance, he/she shall notify the property owner in writing, in accordance with the provisions of this Ordinance, of said determination and shall make recommendations and/or orders as to the corrective measures necessary to bring the property into compliance with this Ordinance.
3. Review of all designs, plans and/or sketches for all improvements, modifications, repairs, installations, rehabilitation or painting (where the estimated fair market value cost for the materials, supplies, and/or labor for the same is less than \$7,500 which affect:
  - a. the exterior of existing buildings or structures;
  - b. signs;
  - c. awnings;
  - d. exterior lighting;
    - e. show windows;
    - f. roofs;
    - g. rear yards or open space; and
    - h. vacant lots.

This review shall be conducted in order to ascertain whether or not said designs, plans, and/or sketches for the contemplated work conform to the requirements of this Ordinance.

4. Approval of such designs, plans, and/or sketches specified above as the Code Enforcement Officer determines to be in

accordance with the provisions of this Ordinance.

5. In the event that the Code Enforcement Officer does not approve a design, plan, or sketch under this Section, the applicant may request an independent review of the same by the Planning Board.
6. Review and inspection of the rehabilitation of properties at various stages of completion to ensure that the same is conducted and completed in accordance with any approved designs or plans and the requirements of this Ordinance. In the event that the Code Enforcement Officer determines that the rehabilitation is not in accordance with approved designs or plans and/or the requirements of this Ordinance, he shall so notify the property owner in writing. Said notice shall indicate the nature of the violations and order such action as deemed necessary or appropriate to correct the same.

**C. Permit Required:** No exterior of an existing building or structure, storefront, display window, roof, window, awning, entrance sign, lighting, or land located within the Area shall be altered, improved, modified, repaired, rehabilitated, or painted until a permit therefor has been issued by the Code Enforcement Officer. Provided, however, that a permit shall not be required for emergency or minor maintenance repairs which do not materially alter the existing exterior elements of the building or structure. No permit shall be issued until the proposed activity complies with the provisions of this Ordinance. Furthermore, no permit shall be issued for work with an estimated fair market value cost of \$7,500 or more for materials, supplies, and/or labor until the proposed activity has been approved by the Planning Board pursuant to this Ordinance. The issuance of such a certificate by the Planning Board shall be determinative of the compatibility of the proposed design or plan with the architecture of the building.

All applications for a permit shall be accompanied by a design or plan, accurately drawn at a suitable scale, showing in sufficient detail, the entire building or structure elevation, storefront design, windows, cornices, colors (including color chips, if requested), materials (including samples, if requested), signs, lighting, awning, and other architectural features. Said plan or design shall be prepared to acceptable standards as determined by the Code Enforcement Officer or the Planning Board. In addition, the Code Enforcement Officer or Planning Board is hereby authorized to require such additional information as may be deemed necessary or appropriate for the proper administration and enforcement of this Ordinance. The Code Enforcement Officer may accept a sketch outlining the proposed work for projects which do not require Planning Board approval. For projects which require Planning Board approval, the Code Enforcement Officer shall refer the application to the Planning Board within

thirty (30) days of his determination that the application is in order.

Once the Planning Board has approved an application under this Ordinance and the building or structure in question conforms to the requirements of this Ordinance, further Planning Board review and approval will not be required for the following activities:

1. repainting of exterior elements of the building or structure in accordance with previously approved color schemes;
2. emergency repairs to exterior elements of the building, such as replacement of glass or other broken door or window elements;
3. renovation or repair of signs which does not depart from the design approved by the Planning Board;
4. minor repairs, as long as said repairs do not alter the design approved by the Planning Board.

**D. Planning Board.** The Calais Planning Board shall be responsible for reviewing certain applications under this Ordinance to insure compliance with the objectives and rehabilitation standards contained herein.

**1. Duties and Responsibilities.** The Planning Board shall have the following duties and responsibilities under this Ordinance:

- a. Review of all preliminary and final designs and/or plans for all improvements, modifications, repairs, installations, rehabilitation, or painting (except for emergency or minor maintenance repairs or rehabilitation work with an estimated fair market value cost of less than 7,500 for materials, supplies, and/or labor) which affect:
  - aa. the exterior of existing buildings or structures,
  - bb. signs,
  - cc. awnings,
  - dd. exterior lighting,
  - ee. show windows
  - ff. roofs,
  - gg. rear yards or open spaces, or
  - hh. vacant lots

This review shall be conducted in order to ascertain whether or not said designs or plans for the contemplated work conform to the requirements of this Ordinance. Such review shall be in accordance with

provisions of this Ordinance.

- b. Approval of such designs or plans as the Planning Board determines to be in accordance with the provisions of this Ordinance.
- c. Assistance to property owners in the development of acceptable rehabilitation designs or plans to bring their properties into compliance with the provisions of this Ordinance.

**E. Compliance Requirements and Review Procedure**

1. The Code Enforcement Officer shall make written notification to each property owner, and/or such other persons as he finds to be responsible for the property in question, whose property does not conform to the rehabilitation standards set forth in this Ordinance. Said notice shall specify the respects in which the property fails to comply with said standards, and shall specify the corrective measures required to bring the property into compliance with this Ordinance. The notice will also classify each measure as either a Tier 1 or Tier 2 corrective measure. Tier 1 - Routine repairs such as peeling paint, broken glass, boarded up windows, loose hardware or other deficiencies that constitute an immediate threaten to life and safety: Tier 2 - More extensive long term repairs such as brick repointing, deteriorating cornices and window restorations
2. Within thirty (30) days from the date of the notice referred to above, the property owner, or his agent, shall submit an application and preliminary plans to the Code Enforcement Officer. Said application and plans shall: conform to the requirements of submission set forth in this Section, address all of the violations contained in the notice, and contain information on other rehabilitation work contemplated by the owner. In addition, a property owner may, on his own initiative, submit an application and plans for review which shall be reviewed in accordance herewith. For rehabilitation work with an estimated fair market value cost of less than \$7,500 for materials, supplies, and/or labor, the Code Enforcement Officer shall review the submitted plans and application within thirty (30) days from the date of submission and shall either approve, approve with modification, or disapprove the same. For all other rehabilitation work, the Planning Board shall review submitted applications and plans within thirty (30) days from the date of referral by the Code Enforcement Officer and shall either approve, approve with modifications, or disapprove the same.
3. In the event the Code Enforcement Officer or Planning Board

disapproves and application or plan submitted in accordance with paragraph 2 above, the property owner, or his delegate, shall submit to the Code Enforcement Officer within thirty (30) days for Tier 1 measures or within ninety (90) days for Tier 2 measures final plans which shall adequately address the contents of said notification and the provisions of this ordinance. In the event that the application and/or final plans are determined to be deficient by the Planning Board or Code Enforcement Officer, the owner shall have thirty (30) days from the date of notification to correct said deficiencies.

4. All rehabilitation work necessary to meet the Tier 1 standards contained in this Ordinance shall be completed within 120 days from plans approval. All rehabilitation work necessary to meet the Tier 2 standards contained in this Ordinance shall be completed within one 1 year from plans approval. The Planning Board may grant an extension of this requirement for good cause for a period of up to an additional twelve (12) months, or longer at the sole discretion of the Planning Board. Applications for such extensions shall be submitted in writing to the Planning Board prior to the established deadline to be eligible for consideration. All new construction or alterations to existing structures within the Area shall meet the requirements of this Ordinance upon its effective date. It is also required that properties be maintained to the standards. The Code Enforcement Officer may conduct periodic inspections and issue corrective measure notices to owners to insure the standards are maintained.

**F. Elements of Review.** In reviewing properties to determine compliance with the provisions of this Ordinance and in reviewing designs or plans submitted in accordance herewith, the Planning Board or the Code Enforcement Officer shall be concerned with all aspects affecting the exterior appearance of the properties located within the Area, including, but not limited to the following:

1. Materials and colors used on all visible exterior areas of the building(s).
2. Design of windows, storefronts, and entrance areas, including materials and types of security devices.
3. Design of signs, methods of illumination, colors, materials and methods of attachment.
4. Design of awnings and canopies, colors, materials, and methods of attachment.

5. Condition of parking areas, rear yards, open spaces, and vacant lots.

**G. Standards of Review:** The following standards and considerations will be used by the Planning Board or the Code Enforcement Officer in evaluating applications to determine whether or not the proposed activity conforms to the requirements of this Ordinance and promotes the intent and purpose hereof:

1. All alterations, improvements, modifications, repairs, rehabilitation painting, and other improvements shall attempt to improve or preserve the character of existing historic buildings, and shall not detract from properties.

**H. Penalties:** Any person, firm, or corporation being the actual or constructive owner of any building or premises which is adjudged to be in violation of any of the provisions of this Ordinance shall be guilty of a civil violation and on conviction shall be fined not less than \$50.00 nor more than \$500.00. Each day such a violation is permitted to exist after notification, shall constitute a separate offense. Any fines imposed pursuant to this Ordinance shall inure to the benefit of the City of Calais.

**I. Legal Actions.** The Code Enforcement Officer, or his representative, is hereby authorized and directed to institute any and all actions and proceedings, either in law or in equity, that may be appropriate or necessary to obtain compliance with the provisions of this Ordinance.

#### **SECTION 4. PROPERTY REHABILITATION AND DESIGN STANDARDS**

**A. Applicability of Standards:** The provisions of this article shall apply to all exterior improvements to existing properties and new structures within the Area. It is required that all exterior improvements shall be made in accordance with the provisions and objectives of this Ordinance. Over and above the codes and ordinances of the City of Calais, the provisions contained in this Section shall be applied to all properties within the Area, whether occupied or vacant.

**B. General Requirements:** All work performed in compliance with this Ordinance shall be conducted in a manner in accordance with accepted standards of the building trades. Materials used in making repairs shall be of a quality suitable for the purpose and of a kind normally used to accomplish the required repairs.

**C. Minimum Property Rehabilitation and Design Standards:**

1. Exterior Walls & Windows, Storefronts and Awnings (Front, Side, & Rear):



- a. All of the visible exterior walls & windows of all structures located in the Area shall be included in this requirement.
- b. All exposed and visible surfaces, including walls and windows shall be repaired, cleaned, or painted All colors and color schemes used in the Area shall be compatible with buildings in the Area.
- c. All defective structural and decorative elements of building fronts and sides abutting on or visible from streets shall be repaired or replaced in a manner to maintain, as closely as possible, the architectural character of that building. All damaged, sagging, inoperative or otherwise deteriorated storefronts, signs, show windows, or entrances shall be repaired or replaced and made structurally sound.
- d. All miscellaneous unused elements on the exterior walls of the structures such as empty electric boxes, conduits, pipes, unused signs and brackets, etc., shall be removed.
- e. Storefront windows of vacant shops shall be kept clean and free of clutter.

**2. Roofs:**

- a. Roofs shall be kept free of visible trash, debris, or any other element which is not a permanent part of the building or a functioning element of it's mechanical or electrical system. All equipment that is visible that is part of the mechanical or electrical system shall be located in such a manner as to minimize its visual impact a shall be keep in good condition.

**3. Signs:** In addition to the Zoning Ordinance of the City of Calais, as may from time to time be amended, the following provisions shall apply to the rehabilitation of all signs located within the Area:

- a. Size, shape, letter style(s), colors, design, type illumination and/or method of installation of all new and existing signs shall be compatible with the architecture of the building. Use of wooden signs by graphic designers is encouraged and shall be used where practical.

- b. Materials employed for construction of signs shall be durable and weather resistant. Use of plastics or similar materials is discouraged, but not prohibited with Planning Board approval.
- c. Signs identifying the occupant shall be permitted at rear entrance and delivery doors, but shall not exceed two (2) square feet in area and may be illuminated.
- d. Signs in the form of letters, symbols, or other graphics may be incorporated in the design of any awning included in the design of a storefront, provided such signs are compatible with the architecture of the building and the awning. Signs may be painted on the inside surface of the show window and permanent sign panels may be hung inside the show window, but must be designed to be compatible with the architecture of the facade and the text related to the business. Signs painted on the inside glass and sign panels shall be limited to lettering no greater than six (6) inches in height. When these signs are the only identifying sign for the property, they can use twelve (12) inch lettering.
- e. Signs which are an integral part of the building structure and compatible with the original architecture of the building are permitted.
- f. Flags and banners shall be compatible with the architecture of the building to which attached and neighboring structures.
- g. Super Graphics or murals are a special form of outdoor art and the Planning Board may permit their application, on wall surfaces that are predominantly blank except where it would detract from the architectural significance or historic value of the building or adjacent properties, upon submission and approval of full-color drawings of the intended super graphic or mural.
- h. No new hanging backlit signs shall be allowed in the area.

All legally existing backlit signs shall be allowed to remain in the area as long as they are kept in good repair.

- g. CESSATION OF BUSINESS- When a business permanently closes, the sign associated with the business must be removed within 30 days. If it is not, it

becomes an unpermitted sign and is subject to the impoundment provisions of section 5-h.

h. **IMPOUNDMENT OF SIGNS -**

aa. The Code Enforcement Officer shall have the authority to remove and hold any sign or sign structure subject to impoundment by the provisions of this Ordinance.

bb. The owner of an impounded sign or sign structure may recover same upon the payment of \$50.00 for each sign plus the costs of removal. In the event it is not claimed within 10 days from the date of impoundment, the Code enforcement Officer shall have the authority to dispose of such sign or sign structure without compensation to the owner.

**4. Lighting:**

The following lighting methods shall be removed:

- a. Exposed fluorescent lighting.
- b. Exposed quartz or mercury vapor lamps.
- c. Exposed incandescent lamps other than low wattage, purely decorative, lighting and neon as provided for herein.

**5. Parking Areas, Yards, and Vacant Lots.**

- a. Parking Areas: All driveways, parking areas, walks, and plazas shall be suitably surfaced with a hard, dust-free material and shall be kept clean of all trash and debris.
- b. Yards and Vacant Lots: All yards and vacant lots shall:
  - 1. Be graded in such a way as to provide satisfactory drainage and an even, smooth surface
  - 2. Be kept clean of all trash and debris.
  - 3. Be kept mowed unless landscaped as approved by the Planning Board.

**6. Exterior Accessory Structures:**

Exterior accessory structures which serve no useful purpose, or those in a deteriorated condition which are not economically repairable, shall be removed. Such structures include porches, terraces, entrance platforms, garages, car ports, walls, fences, unused sign posts, and miscellaneous auxiliary structures.

**7. Lighting**

- a. Exterior lighting shall be limited to lighting fixtures designed to be in harmony with the character of the buildings. Lighting of the shops will be encouraged during the evening hours.
- b. Lighting of the facades of the buildings may be accomplished with projecting fixtures at the roofline or at the shop front cornice line. All exterior sign lighting shall be installed to be as inconspicuous as possible and compatible with building architecture.
- c. All lighting and electrical elements such as wires, conduits, junction boxes, transformers, ballasts, switches, and panel boxes shall be concealed from view where possible.