

## **ARTICLE II. GENERAL PROVISIONS**

### **Sec. 60-33. Permitted uses.**

In the zoning districts specified in this article and in article XII of this chapter, the designated buildings and alterations and extensions thereof and buildings accessory thereto and the designated uses of land, of buildings and of parts of land or buildings and the uses accessory thereto are permitted. Except as provided in this article, all other buildings and uses of land or of buildings are hereby expressly prohibited, except those already lawfully existing which by the operation of this provision would hereby become lawfully nonconforming.

(Ord. of 9-21-2009, § 3.1A)

### **Sec. 60-34. Buildings per lot.**

No more than one principal building shall be erected on any lot in residential zoning districts except for:

- (1) Multifamily buildings and/or developments approved under division 9 of article IV of this chapter;
- (2) An additional one-family detached dwelling in a zoning district where two-families are permitted, and a single-family dwelling currently exists on the lot.
- (3) Four dwelling units may be constructed on vacant lots in the growth area as delineated in the Future Land Use Map in the most recent Comprehensive Plan and

The additional one-family detached dwelling unit shall share a driveway curb cut with the pre-existing dwelling unless it is determined that another driveway location could provide safer access than the existing driveway.

(Ord. of 9-21-2009, § 3.1B; Ord. No. 11-03012021, § 1, 3-15-2021; Ord. No. 18-04052021, 5-3-2021)

### **Sec. 60-35. Conversion of one-family dwellings.**

In all residential, general business and form based code districts, one-family dwellings erected prior to January 1, 1958, may be converted to two-family dwellings provided that:

- (1) Any floor space created by additions to the existing structure after January 1, 1958, shall not be converted to a second dwelling.
- (2) There will not be less than one accessible off-street parking place of 200 square feet in area, exclusive of driveways, per dwelling unit resulting from such conversion.
- (3) Stairways leading to any floor above the first floor will be enclosed within the exterior walls of the dwelling and any fire escapes required will be on the rear or one side of the dwelling and not on any wall facing a street.
- (4) After such conversion, the building converted will retain substantially the appearance and character of a one-family dwelling.
- (5) Single family dwellings may be converted into two-family or multifamily buildings, defined as three or more dwelling units inside one structure, if located in the growth area as delineated in the Future Land

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Use Map of the most recent Comprehensive Plan and pursuant to 30-A MRSA §4364 as periodically amended (L.D. 2003 Public Law). and pursuant to Sec. 60-53 and Sec. 60-54.

(Ord. of 9-21-2009, § 3.1C; Ord. No. 04-03072016, 5-16-2016)

### **Sec. 60-36. Lots in more than one jurisdiction.**

When a lot in one ownership lies in more than one jurisdiction, the whole lot shall be considered for density and lot dimension purposes in the same manner as if the entire lot were situated in the city. Any site plan or special exception review of the use or development of the lot in the city, however, shall be limited to that portion that lies within the city's jurisdiction only.

(Ord. of 9-21-2009, § 3.1D)

### **Sec. 60-37. Minimum lot area determined.**

In determining the minimum area of lot required in any zoning district, any land within the lines of the street upon which such lot abuts shall not be included, even if the fee to such street is in the owner of the lot with the following exception: If a lot at a street corner is bounded in part by a curved exterior street line not more than 80 feet in length connecting other exterior street lines bounding such lot which, if extended, would intersect, the area required in such lot shall be computed as if said line were extended. If such curved line is more than 80 feet in length, the minimum area required in such lot shall be measured and computed entirely within the lines bounding such lot.

(Ord. of 9-21-2009, § 3.1E)

### **Sec. 60-38. Nonconforming lots.**

- (a) Abutting undeveloped nonconforming lots under one ownership shall be considered as one lot and shall not again be divided.
- (b) Abutting nonconforming lots under one ownership or joint ownership shall be considered as one lot. Such a lot may be divided provided that:
  - (1) One or more of the lots has been developed.
  - (2) The lots were purchased by separate deed.
  - (3) The lots are divided along the historical lot dimensions.
  - (4) All dimensional regulations are maintained.
- (c) An abutting conforming and nonconforming lot under one ownership, or joint ownership shall be considered as one lot. Such a lot may be divided provided that:
  - (1) The lots are divided along the historical lot dimensions.
  - (2) The conforming lot is not reduced in any manner that violates any provision of this chapter.
  - (3) All dimensional regulations are maintained.

(Ord. of 9-21-2009, § 3.1F)

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**Sec. 60-39. Lot area, width and depth exception.**

The lot area (except as otherwise may be required), lot width and lot depth requirements of this chapter shall not apply to any lot which was lawfully laid out in conformance with zoning regulations in effect at the time of lot creation and duly recorded by plan or deed.

(Ord. of 9-21-2009, § 3.1G)

**Sec. 60-40. Reduction in dimensional regulations.**

No lot (except as allowed by the planning board at the time of final approval of a subdivision or development plan) shall be reduced, subdivided, conveyed, divided, or otherwise transferred that violates, or creates a lot that violates, any minimum or maximum dimensional regulation of this chapter. No building permit or other municipal permit or license shall be issued to any of the land so transferred or to the land retained until all of such land or lots are in conformance with all dimensional regulations. If a serious health or safety issue with the property should arise, the director of planning and permitting services shall determine if a permit should be issued to correct the problem. This provision shall not allow further nonconformity to occur in order to achieve the corrective action necessary. Any land taken by eminent domain or conveyed for a public purpose shall not be deemed in violation of this provision. Any setback or lot that is reduced below the minimum or extended beyond the dimensional requirements as a result of land taken by eminent domain or conveyed for a public purpose shall not be deemed nonconforming. Setbacks for the enlargement of any existing building located on such a lot shall be referenced to the property line as it was located prior to the eminent domain action or the conveyance for a public purpose.

(Ord. of 9-21-2009, § 3.1H; Ord. No. 04-03072016, 5-16-2016)

**Sec. 60-41. Lot of record.**

Where used in this article, the term "lot" means "lot of record" as defined in sections 60-1 and 60-2.

(Ord. of 9-21-2009, § 3.1I)

**Sec. 60-42. Unsewered lots.**

The minimum lot sizes specified in this chapter for residential districts are for lots having sanitary sewer service. No unsewered lots having an area less than 20,000 square feet shall be developed for residential dwelling purposes. This regulation does not reduce lot size requirements in residential districts having larger minimum lot sizes.

(Ord. of 9-21-2009, § 3.1J)

**Sec. 60-43. Residential accessory buildings and structures.**

- (a) Accessory buildings of 120 square feet and ten feet or less in height will have a zero rear and side setback. The front yard setback shall be maintained.
- (b) Accessory buildings greater than 120 square feet shall have rear and side yard setbacks that are 50 percent of the requirement for principal buildings, except that in no case shall the setbacks be reduced to less than five feet. The front yard setback shall be maintained.

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- (c) A deck that is no greater than 30 inches high shall be allowed a zero rear and side setback provided that the deck is no closer than 15 feet to a neighboring principal building. All decks that are higher than 30 inches shall meet the requirements of subsection (b) of this section.
  - (d) A deck that attaches a principal building to an accessory building shall be allowed and shall not be deemed to cause the accessory building to be nonconforming. Such decks shall meet all other requirements as found in this section.
  - (e) The maximum first floor space of accessory buildings on lots under two acres is 1,000 square feet. On lots of over two acres, there is no maximum size.

(Ord. of 9-21-2009, § 3.1K; Ord. No. 30-01182011-02, 1-18-2011)

### **Sec. 60-44. Conflicts.**

In any case where there is a conflict with another ordinance the more stringent standard shall apply.

(Ord. of 9-21-2009, § 3.1L)

### **Sec. 60-45. Site plan/special exception review.**

- (a) Projects requiring site plan review shall be reviewed by the planning board in accordance with divisions 2 and 3 of article XVI of this chapter and according to the standards and criteria contained therein. No project requiring site plan review shall be expanded, extended or enlarged so as to occupy additional land area greater than ten percent of the original area or one-half acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than ten percent of additional floor space unless approval has been secured from the planning board in the manner provided in this section. A reduction in the scope of the project, except for land area, does not have to be reviewed by the planning board provided that an amended plan is submitted to the planning department to determine that all other land use provisions are satisfied.
- (b) The expansion, extension or enlargement of uses or buildings which are less than described subsection (a) of this section, shall be reviewed and approved by the planning department using the criteria of divisions 2 and 3 of article XVI of this chapter.
- (c) If an applicant disagrees with the review of the planning department, the planning board upon the written request of the applicant, shall conduct an administrative review of the planning staff's decision.
- (d) Permitted uses subject to special exception review pursuant to sections 60-499(b)(17), 60-525(b)(14), and 60-578(b)(35), which are to be located in a commercial or industrial subdivision which has been duly approved by the city planning board shall not be required to be reviewed and approved by the planning board in accordance with division 3 of article XVI of this chapter unless, in the determination of the municipal officer charged with enforcement, the project contains elements that deserve a full review by the planning board. In making such a determination, the municipal officer shall take into account the planning board's initial review of the subdivision, including but not limited to such issues as traffic, drainage, infrastructure improvements, availability of water and sewer, fire protection and the impact on the environment.
- (e) The permitted uses which have been exempted from special exception review and located in duly approved commercial or industrial subdivisions shall be processed by administrative review by the planning department in accordance with division 3 of article XVI of this chapter. Such uses shall also be subject to all city ordinances as would be required for review of special exceptions.
- (f) The planning board shall be notified of all action taken, or approvals granted, by the municipal officer pursuant to this section.

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(g) The city finds that a major retail development can have a significant impact on the immediate and surrounding areas and accordingly requires a determination by the city planning board of consistency with the adopted comprehensive plan in addition to the review and approval process of site plan/special exception review and other state and/or municipal permitting. A request for a determination of consistency shall be submitted to the department of planning and code enforcement a minimum of 15 days prior to this item being placed on the planning board agenda for action. Action on the request for a determination of consistency shall be made a minimum of one regularly scheduled meeting prior to the planning board meeting at which the project is to be reviewed. Notice for the consideration of a request for a determination of consistency shall conform to the requirements found in section 60-1474. and must state that the determination of consistency is being sought for a major retail development.

(Ord. of 9-21-2009, § 3.1M; Ord. No. 11-03012021, § 2, 3-15-2021)

### **Sec. 60-46. Home occupation.**

The establishment of a home occupation shall be permitted in all residential zoning districts provided the use is consistent with the definition of home occupation and approval is secured from the department of community development and planning in accordance with article IX of this chapter.

(Ord. of 9-21-2009, § 3.1N)

### **Sec. 60-47. Corner lots.**

There shall be a front yard along the street line as provided for under yard requirements, front in the district where located. All other yards shall be considered as side yards and measured as provided for under yard requirements, side in the district where located. On corner lots within the form based code districts, there shall be a primary street front yard and a secondary street front yard with minimum and maximum building setback requirements. The yard opposite from the primary street shall be considered the rear yard while the yard opposite the secondary street shall be considered the side yard.

(Ord. of 9-21-2009, § 3.1O; Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 57, 3-15-2021)

### **Sec. 60-48. Public utilities.**

The use of property by a public utility for the transmission of water, electricity, telephone or gas by pipes, poles, wires, lines, conduits, cables or other devices is permitted in all zoning districts.

(Ord. of 9-21-2009, § 3.1P)

### **Sec. 60-49. Railroads.**

Railroad tracks, spurs, yards, crossings and structures existing as of the date of the enactment of this provision are permitted. The expansion, extension or enlargement of these facilities and the introduction of new facilities shall be reviewed and approved by the planning board in accordance with division 2 of article XVI of the chapter and according to the standards and criteria contained therein. Railroads shall be allowed in all zoning districts.

(Ord. of 9-21-2009, § 3.1Q)

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**Sec. 60-50. Accessways to land zoned commercial or industrial.**

Accessways over land zoned residential to parcels of land situated in commercial or industrial districts shall be allowed upon approval of a site plan reviewed by the planning department in accordance with division 2 of article XVI of the chapter and further provided that:

- (1) Access to a public street that does not require using land zoned as residential is reasonably available. Such access shall be used.
- (2) The accessway and the building shall be screened from adjacent residential lots or uses as provided for by section 60-579(3)g.
- (3) The street onto which access will be gained is adequate to carry the projected volumes of traffic. This shall be determined by a traffic study as provided for by chapter 52, pertaining to traffic and vehicles.
- (4) Accessways shall be designed in accordance with the standards for industrial/commercial streets as provided for by chapter 52, pertaining to traffic and vehicles.
- (5) Title to the land used for access will be retained by the owner of the land zoned for commercial or industrial use to which access is provided.

(Ord. of 9-21-2009, § 3.1R)

**Sec. 60-51. Mass gatherings.**

The use of property for a mass gathering as defined and regulated by article IX of chapter 14 is permitted in all zoning districts.

(Ord. of 9-21-2009, § 3.1S; Ord. No. 11-03012021, § 3, 3-15-2021)

**Sec. 60-52. Adult day centers and child day care centers.**

Adult day care centers and child day care centers proposed to be operated in a church, school or municipally owned building or recreation facility shall not be required to be reviewed and approved by the city planning board as a special exception. Such uses shall be processed by administrative review by the planning department in accordance with division 3 of article XVI of this chapter. The planning board shall be notified of any project approved by the planning department.

(Ord. of 9-21-2009, § 3.1T)

**Sec. 60-53. Additional dwellings permitted to increase housing opportunity.**

Additional dwelling units must be permissible on certain parcels in the City of Auburn pursuant to Sec. 60-34. This table specifies the additional lot area needed for additional units in each zoning district as well as permissible accessory dwelling units. Setback standards shall not be reduced to allow for additional dwelling units and shall not be increased for subsequent dwelling units. Additional dwelling units allowed under this section are prohibited in the Lake Auburn Watershed Overlay District. Additional dwelling units allowed under this section are subject to more stringent lot size requirements per unit if located in the Taylor Pond watershed.

<u>Zoning District</u>	<u>Minimum lot area (per unit)</u>	<u>Minimum road frontage (per unit)</u>	<u>Accessory Dwelling Unit</u>
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<u>Agriculture &amp; Resource Protection</u>	<u>10 acres</u>	<u>250 feet</u>	<u>Permitted if unit meets requirements for single family home in Article IV, Division 2 of this Chapter*</u>
<u>Low Density Country Residence</u>	<u>3 acres for the first unit with accessory dwelling unit. 1.5 acres for each subsequent unit.</u>	<u>325 feet for the first unit. No additional road frontage is required for subsequent units.</u>	<u>Permitted</u>
<u>Low Density Rural Residence</u>	<u>1 acre for the first unit with accessory dwelling unit. 0.5 acre for each subsequent unit.</u>	<u>250 feet for the first unit. No additional road frontage is required for subsequent units.</u>	<u>Permitted</u>
<u>Suburban Residence</u>	<u>21,780 square feet for the first unit with accessory dwelling unit. 10,890 square feet for each subsequent unit.</u>	<u>150 feet for the first unit. No additional road frontage is required for subsequent units.</u>	<u>Permitted</u>
<u>Urban Residence</u>	<u>10,000 square feet for the first unit with accessory dwelling unit. 5,000 additional square feet per unit for each subsequent unit.</u>	<u>100 feet for the first unit. No additional road frontage is required for subsequent units.</u>	<u>Permitted</u>
<u>Multifamily Suburban</u>	<u>10,000 square feet minimum.</u>	<u>100 feet for the first unit. No additional road frontage is required for subsequent units.</u>	<u>Permitted</u>
<u>General Business</u>	<u>10,000 square feet minimum.</u>	<u>100 feet for the first unit. No additional road frontage is required for subsequent units.</u>	<u>Permitted</u>
<u>General Business II</u>	<u>10,000 square feet minimum.</u>	<u>100 feet for the first unit. No additional road frontage is required for subsequent units.</u>	<u>Permitted</u>
<u>Form Based Code</u>	<u>No minimum lot size. See Ch. 60 Article IV Division 14</u>	<u>24 feet minimum road frontage. See Ch. 60 Article IV Division 14</u>	<u>Permitted</u>
<u>Industrial</u>	<u>Housing only permitted as accessory buildings for caretakers (see Sec.60-578)</u>	<u>150 feet</u>	<u>Permitted for legally existing residential dwellings built before June, 1, 2024.</u>

<a href="#">Lake Auburn Watershed Overlay District</a>	<a href="#">Please refer to the underlying zone and CH. 60 Article XII Division 4. Sec. 60-</a>	<a href="#">Please refer to the underlying zone and CH. 60 Article XII Division 4.</a>	<a href="#">Permitted subject to Lake Auburn Watershed Overlay District accessory dwelling unit allowances.</a>
<a href="#">Taylor Pond Watershed</a>	<a href="#">Minimum lot size in the underlying zone for the first unit with accessory dwelling unit. Minimum lot size is required for each additional unit.</a>	<a href="#">Minimum road frontage required in the underlying zone. No additional road frontage required for subsequent units.</a>	<a href="#">Permitted</a>

[\\*Does not apply if within the Lake Auburn Watershed.](#)

**[Sec. 60-54. Affordable housing density bonus.](#)**

[Pursuant to § 30-A MRSA §4364, the most recent amendment of L.D. 2003 Public Law, a density bonus of 2.5 times the maximum number of dwelling units permitted in the underlying zone shall be permitted where water and sewer service are available and the development is in the growth area as delineated in the Future Land Use Map in Auburn’s latest Comprehensive Plan. Off-street parking requirements may not exceed two spaces for every three units.](#)

**Secs. 60-53—60-77. Reserved.**

**ARTICLE III. NONCONFORMING BUILDINGS OR USES**

**Sec. 60-78. Continuance.**

Any lawfully nonconforming use of building or land which was established prior to September 14, 1960, or in conformance with zoning regulations in effect at the time of establishment or granted by variance may be continued in the same kind and manner and to the same extent as at the time it became lawfully nonconforming. No lot shall be deemed to be a nonconforming lot, nor shall any building or use of a lot or a building be deemed a nonconforming use solely by reason of the lot being one shown upon an approved planned unit development pursuant to division 9 of article IV of this chapter.

(Ord. of 9-21-2009, § 3.2A; Ord. No. 11-03012021, § 4, 3-15-2021)

**Sec. 60-79. Change, extension or enlargement.**

The following provisions shall govern changes, extensions or enlargements of nonconforming buildings or uses.

- (1) A lawfully nonconforming use shall not be changed to a dissimilar use, extended or enlarged; unless it can meet the criteria listed in this section.
- (2) A lawfully nonconforming residential building may not be enlarged beyond the size permitted by dimensional regulations for buildings in said district except that an existing nonconforming building line may be extended, but in no case shall the yard requirement for said addition be reduced to less than five feet.



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- (3) An existing lawfully nonconforming, nonresidential building or structure may be extended or enlarged, provided that it satisfies the following criteria:
- a. No building or structure shall be altered, enlarged, added to or reconstructed (except as may be allowed by subsection (3)h of this section to extend further in a nonconforming manner or in any way which does not satisfy all dimensional regulations required in the district where located;
  - b. A building or structure occupied or otherwise used for a nonconforming use shall not be extended or enlarged;
  - c. Any enlargement shall only be used to accommodate the needs of the existing use or different conforming use proposed to occupy the entire structure. An enlargement which purpose is to provide for additional floor space as a result of the addition of a new business under separate ownerships shall not be allowed;
  - d. Only a commercially used building or structure located in a commercially zoned district and industrially used buildings in an industrial district may be enlarged or extended;
  - e. Except as provided in this subsection (3)e, any building or structure enlarged under this section shall conform to all regulations applicable to: access management, parking, landscaping and buffering, signage and environmental regulations.
    1. Upon written request of the property owner, the planning director may authorize a waiver of, or less than, full compliance with access management, parking, landscaping and buffering, signage, and environmental regulations, if it is determined to be impractical, infeasible or would cause an unnecessary hardship on the property owner;
    2. All owners of abutting properties and property directly across the street from the site shall be notified by mail and given a ten day comment period regarding the requested waiver. The applicant shall be responsible for the postage cost of providing the notice to abutters plus an administrative fee as provided in the city fee schedule;
    3. The planning director shall provide a written decision to the property owner, and to any abutter who responded, within 14 days from the date of the request;
    4. If the property owner or one or more abutters disagrees with the decision of the planning director, regarding the requested waiver, a written request may be submitted to the planning board within 30 days of the decision and the planning board shall determine whether to grant the waiver. Both the applicant and abutters shall be notified of any such meeting by mailed notice not less than 14 days prior to the meeting. The party making such a request shall be responsible for the cost of the notification;
  - f. Any building or structure enlarged under this section shall require the removal of nonconforming or obnoxious characteristics such as: excess signage, improper lighting, and/or outside storage;
  - g. A commercially used building or structure located in a commercially zoned district may be enlarged up to 2,500 square feet or 25 percent of the occupied floor area that now exists, whichever is greater, to a maximum expansion of 5,000 square feet; an industrially used building in an industrial district may be enlarged by 5,000 square feet or 25 percent of the occupied floor area that now exists, whichever is greater, to a maximum expansion of 10,000 square feet. The expansion limitations in this subsection (3)g may be allowed under this process no more than once during the lifetime of the structure. Expansions proposed to exceed the thresholds as outlined in this subsection (3)g may be allowed by the planning board, pursuant to divisions 2 of article XVI of this chapter and further provided that all applicable criteria herein articulated are satisfied; and

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- h. No building or structure which possesses two or more nonconforming violations (lot dimensions, density, yard requirements or height) shall be extended or enlarged if the new construction will increase or extend the nonconforming violations, unless approved by the planning board, pursuant to division 2 of article XVI of this chapter.

None of the limitations of this subsection (3) shall apply to a building or structure, which requires it to be altered, extended or enlarged to satisfy life safety codes and/or handicapped accessibility.

- (4) An existing nonconforming use may be authorized by the planning director to be changed to a similar nonconforming use upon application to and a finding that the following criteria are met:
  - a. It would not be economically feasible to convert the property to a conforming use;
  - b. The use proposed would have the same or less adverse impact on the neighborhood in terms of noise, odor, smoke, traffic, physical appearance and other similar conditions than the existing or lapsed nonconforming use; and
  - c. Expenditures for any structural modifications to the property required to accommodate the new nonconforming use shall not exceed 50 percent of the assessed tax value of the property at the time of the change in use.
- (5) The use of any property or building that formerly was used in a lawfully nonconforming manner and which was abandoned (as defined in section 60-81) may be permitted after approval by the planning board in accordance with division 2 of article XVI of this chapter.

(Ord. of 9-21-2009, § 3.2B)

### **Sec. 60-80. Change to conformity.**

Any nonconforming building or portion thereof or nonconforming use of building or land or portions whether or not granted by action of the board of appeals, may be changed to one conforming with all the zoning provisions of the district in which located, provided it shall thereafter continue to conform.

(Ord. of 9-21-2009, § 3.2C)

### **Sec. 60-81. Abandonment.**

If any nonconforming use of a building or portion thereof or of land or portion thereof be discontinued for a period of 12 consecutive months' duration or more or is voluntarily discontinued, it shall be presumed abandoned, such use shall not be resumed, and only a use conforming with zoning provisions in the zoning district in which located shall thereafter be made of such building or land, except as may be permitted otherwise under section 60-79(4) and (5). A use shall be deemed to be discontinued when the principle activity ceases. A use that is voluntarily discontinued shall be deemed to have ceased when a written statement containing the name of the owner of the property, the name of the business or use, the nature of the use being discontinued and the date of the discontinuance is reviewed by the municipal officer charged with enforcement.

(Ord. of 9-21-2009, § 3.2D)

### **Sec. 60-82. Damage.**

Any nonconforming use of a building or structure, which has the structural members (frame, flooring, roof and exterior walls) above the foundation and the mechanical equipment (plumbing, electrical and heating) destroyed or damaged by fire, lightning, wind or other natural disaster to the extent of 65 percent or more shall

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not be rebuilt, repaired, reconstructed or altered except in conformance with all provisions of the underlying district's regulations. For the purpose of this section, a residence building on a full foundation in an agriculture and resource protection district which has been destroyed or damaged by natural disaster shall not be deemed nonconforming for a period of one year following the damage and may be rebuilt, repaired and reconstructed in the same nonconforming location. Alterations and expansions of such buildings shall only be in conformance with all the underlying district's regulations. For the purpose of this section, a full foundation is considered to be a permanent concrete or masonry structure used to support a building.

(Ord. of 9-21-2009, § 3.2E)

**Sec. 60-83. Relocation and replacement mobile homes.**

No nonconforming mobile home may be moved to another lot or parcel in the city and no nonconforming structure may be replaced by another nonconforming structure but shall be replaced with a site-built home or manufactured home that meets the definition of newer mobile home as found in section 60-2.

(Ord. of 9-21-2009, § 3.2F)

**Sec. 60-84. Forfeited.**

Any nonconforming use housed in a building or structure which has the structural members (frame, flooring, roof and exterior walls) and the mechanical equipment (plumbing, electrical and heating) destroyed or damaged by fire, lightning, wind or other natural disaster to the extent of 65 percent or more shall be presumed to be forfeited at the time of such damage. Such use shall not be resumed, and only a use conforming with zoning provisions in the zoning district in which located shall thereafter be made of such building or land.

(Ord. of 9-21-2009, § 3.2G)

**Sec. 60-85. Reconstruction, alteration or modification.**

A nonconforming building or structure which is being rebuilt, remodeled, reconstructed or otherwise modified shall not have its structural members (frame, flooring, roof and exterior walls) above the existing foundation or frame supports removed by more than 50 percent.

(Ord. of 9-21-2009, § 3.2H)

**Sec. 60-86. Residential use.**

An existing residential building that is nonconforming in terms of density of units and where the units, either some or all, have been abandoned as defined under section 60-81, shall be allowed to exceed its permitted density by two units or to reestablish the same number of units at the time they were abandoned, whichever is less.

(Ord. of 9-21-2009, § 3.2I)

**Secs. 60-87—60-115. Reserved.**

***ARTICLE IV. DISTRICT REGULATIONS***

*DIVISION 1. GENERALLY*

**Secs. 60-116—60-143. Reserved.**

*DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT*

**Sec. 60-144. Purpose.**

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

**Sec. 60-145. Use regulations.**

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:
  - a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20 percent of the land coverage or two acres, whichever is less, of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:
    1. Residential structures;
    2. Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation);
    3. Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use of pipes, poles, wires, lines, conduits, cables or other devices;

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4. Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping;
  5. Structures accessory to the residential use; and
  6. Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.
- b. New one-family detached dwellings shall:
1. Not be built within the Lake Auburn Watershed Overlay District;
  2. Provide a farm, [agricultural], recreational or natural resource use business or land use plan that has been approved by the planning and permitted director or their designee. The planning and permitting director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:
    - (i) The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, agricultural, recreational or natural resource use allowed under either subsection (a), permitted uses, or subsection (b), special exception uses, of this section.
    - (ii) The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, agricultural, recreational or natural resource use.
    - (iii) The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of section 60-146, and otherwise meets the requirements of this chapter.
  3. Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the code enforcement officer that non-prime farmland is not available within the building envelope, as determined pursuant to section 60-146 of this chapter, on the subject property;
  4. Avoid being sited on land determined to be essential habitat, as defined by the state department of inland fisheries and wildlife unless it can be demonstrated to the code enforcement officer that non-essential habitat is not available within the building envelope, as determined pursuant to section 60-146 of this chapter, on the subject property;
  5. Avoid being sited on wetlands;
  6. Avoid being sited on slopes greater than 25 percent; and
  7. Not be sited on any portion of a parcel that is classified as being:
    - (i) Currently enrolled in the State of Maine Farmland Tax Program;
    - (ii) Currently enrolled in the State of Maine Tree Growth Tax Law Program; or
    - (iii) Currently enrolled in the State of Maine Open Space Tax Program.
- c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of subsections (a)(1)a. and (a)(1)b.2. above has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.

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- d. In no case shall any residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the lot upon which the residence is constructed fails to meet the requirements set forth in subsections (a)(1)a. and (a)(1)b.2. above.
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
  - (3) Forest products raised for harvest, including, but not limited to, maple sugaring, firewood processing, Christmas tree cultivation, or mushroom cultivation.
  - (4) Field crop farms.
  - (5) Row crop farms.
  - (6) Orchard farms.
  - (7) Truck gardens.
  - (8) Plant and tree nurseries.
  - (9) Greenhouses.
  - (10) Handling, storage or processing and sale of forestry products or agricultural products.
  - (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
  - (12) Wayside stands.
  - (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
  - (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
  - (15) Marijuana manufacturing accessory to a licensed cultivation site.
  - (16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in section 60-1501.
  - (17) Natural resource uses.
  - (18) Small-scale recreational uses of land designed or intended for public use.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
    - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
    - b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
    - c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.

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- (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
  - (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
  - (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
  - (5) Non-small scale recreational uses of land intended or designed for public use subject to the following conditions:
    - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
    - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
  - (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
    - a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
    - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
  - (7) Rifle, pistol, skeet or trap shooting ranges, public or private.
  - (8) Cemeteries, subject to the following conditions:
    - a. At least 20 acres in area.
    - b. Not located in any environmental overlay district or over any known aquifer.
    - c. At least ten acres if designated a conservation cemetery.
  - (9) Municipal sanitary landfills, subject to the following conditions:
    - a. Not located in any environmental overlay district or over any known aquifer.
    - b. Provisions shall be made to avoid surface water and groundwater pollution.
    - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
  - (10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:

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- a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
  - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- (11) Wholesale nurseries, subject to the following conditions:
- a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
  - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
- (12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
- a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
  - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
  - c. An end-use plan must be filed as part of the planning board process.
- (13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
- a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.
  - b. The proposed use shall not occupy more than 10,000 square feet of building area.
  - c. The number of employees shall be limited to not more than 15.
  - d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
  - e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
- a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
  - b. Provisions shall be made to avoid surface and groundwater pollution.
  - c. Provisions shall be made to counteract vermin, insects and odors.
  - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
  - e. Shall not be located within the Lake Auburn Watershed Overlay District.
- (16) Adaptive reuse of structures of community significance.



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- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
  - b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
  - c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.
- (18) Reserved.
- (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in section 60-1501, subject to the following conditions:
- a. Must comply with the provisions of article XVIII under this chapter;
  - b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
    1. *Rear*. There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.
    2. *Side*. There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.
    3. *Front*. There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
  - c. Lot coverage shall not exceed 30 percent, as defined under subsection 60-1506(a)(2).
  - d. *Total land area*. Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.
  - e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.
  - f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:

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1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
  2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.
  3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.
  4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.
- g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:
1. Non-prime farmland is not reasonably available on the subject property.
- h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:
1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;
  2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;
  3. To the extent possible, infrastructure shall not be located on steep slopes; and
  4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.
- i. All operations and maintenance plans shall also include:
1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
  2. A plan that provides habitat for native plants and animals and native pollinators.

(20) Municipal or public utilities and communication facilities.

(21) Municipal uses.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019; Ord. No. 17-11182019, 12-9-2019; Ord. No. 05-05182020, 6-1-2020; Ord. No. 11-03012021, §§ 5, 6, 3-15-2021; Ord. No. 02-02132023, 2-17-2023; Ord. No. 03-04182023, 5-1-2023; Ord. No. 10-06202023, 7-10-2023; Ord. No. 17-09052023, 9-18-2023)

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## Sec. 60-146. Dimensional regulations.

All structures in this district, except as noted shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created after October 1, 2017 containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage along a publicly accepted street, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.
  - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
  - b. On legally existing nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2.
  - c. A dwelling may be constructed on lots lawfully existing as of October 1, 2017 and containing less than ten acres, only if approved pursuant to subsection 60-145(a)(1).
- (2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1)c. above.
- (3) *Yard requirements.*
  - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
  - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
  - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30 percent of the average depth of the lot.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.31C; Ord. No. 18-11182019, 12-9-2019; Ord. No. 11-03012021, §§ 7, 8, 58, 3-15-2021; Ord. No. 10-06202023, 7-10-2023; Ord. No. 17-09052023, 9-18-2023)

## Secs. 60-147—60-199. Reserved.

### *DIVISION 3. LOW DENSITY COUNTRY RESIDENTIAL DISTRICT*

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## Sec. 60-200. Purpose.

The purpose of this zone is to maintain and promote the rural/agricultural character of the land within this zone. This zone is composed of those areas in the city whose predominant land use is rural, wooded and agricultural. The regulations for this zone are designed to protect and stabilize these predominant land uses which are the essential characteristics of these areas and to minimize conflicting land uses detrimental to agricultural enterprises. Since residences are only incidental to this zone's development, the densities which require improved roads and expanded municipal services, in excess of those required by the present agricultural-oriented uses, shall not be permitted.

(Ord. of 9-21-2009, § 3.32A)

## Sec. 60-201. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) All uses permitted in the Agriculture and Resource Protection District, except uses allowed by section 60-145(a)(8), (14) and (15).
- (2) One-family detached dwellings.
- (3) Two-family dwellings.
- (4) Lawn maintenance services.
- (5) Multifamily dwellings with up to four (4) units if in the growth area delineated in the Future Land Use Map in the most recent Comprehensive Plan pursuant to 30-A MRSA §4364 and to Sec. 60-53 and Sec. 60-54 of this Chapter. Subdivision law applies.

(b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVI of this chapter:

- (1) All uses permitted by special exception in the Agriculture and Resource Protection (AR) District, (division 2 of article IV of this chapter), except uses allowed by section 60-172(b)(7), (14), and (15).
- (2) Bed and breakfast.
- (3) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.32B; Ord. 33-02072011-08, 2-7-2011; Ord. No. 08-08012011-07b, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-08192019, 9-9-2019; Ord. No. 11-03012021, § 9, 3-15-2021; Ord. No. 27-06212021, 7-19-2021)

## Sec. 60-202. Dimensional requirements.

All structures in this district except as noted shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than three acres and measuring less than 325 feet in width. No lot shall be less than 200 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs and similar size animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit forms to the definition of farm, livestock contained in section 60-2.
- (2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per three acres.
- (3) *Yard requirements.*

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- a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot, whichever is less.
  - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 25 feet for side yard setback.
  - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to 2½ stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.32C; Ord. No. 11-03012021, §§ 10, 11, 3-15-2021)

**Secs. 60-203—60-227. Reserved.**

*DIVISION 4. LOW DENSITY RURAL RESIDENCE DISTRICT*

**Sec. 60-228. Purpose.**

This district is intended to provide for low density rural residential areas while protecting adjacent agriculture and resource protection districts, allowing a degree of residential development compatible with maintenance of environmental quality and preservation of the open character of the area.

(Ord. of 9-21-2009, § 3.41A)

**Sec. 60-229. Use regulations.**

- (a) *Permitted uses.* The following uses are permitted:
- (1) All uses permitted in the Agriculture and Resource Protection District pursuant to section 60-145(a), except 60-145(a)(14) and (15).
  - (2) One-family detached dwellings.
  - (3) Two-family dwellings.
  - (4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.
  - (5) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.
  - (6) Licensed veterinarians provided that the lot is of at least three acres.
  - (7) Wayside stands.
  - (8) Accessory uses, buildings or structures.

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(9) Lawn maintenance services.

(10) Municipal uses and buildings.

(11) Multifamily dwellings with up to four (4) units if in the growth area delineated in the Future Land Use Map in the most recent Comprehensive Plan pursuant to 30-A MRSA §4364 and to Sec. 60-53 and Sec. 60-54 of this chapter. Subdivision law applies.

(b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVI of this chapter:

(1) Radio, radar, television and radio-telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:

- a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, buildings occupants, land uses and properties.
- b. In no case shall such tower be located less than 1½ times its height from the nearest property line.

(2) Care homes, lodginghouses and boardinghouses.

(3) Recreational uses of land intended or designed for public use, subject to the following conditions:

- a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board.
- b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.

(4) Child day care centers, provided that:

- a. They are located on arterial and collector streets as defined in the Auburn Tomorrow Comprehensive Plan.
- b. They shall not be located closer than 1,000 feet from other established day care centers.
- c. These standards shall not apply to section 60-52.

(5) Cemeteries, provided that:

- a. At least 20 acres in area.
- b. Not located in any environmental overlay district or over any known aquifer.

(6) Community-based residential facilities, provided that:

- a. The minimum distance between any two such facilities shall be 1,500 feet.
- b. Any such facility shall house no more than eight persons.

(7) Licensed kennels provided that there shall be available land area of at least three acres.

(8) Training schools.

(9) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

(10) Adult day centers.

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- (11) Landscape services.
  - (12) Wholesale nurseries, subject to the following conditions:
    - a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
    - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
  - (13) Schools.
  - (14) Churches or temples.
  - (15) Libraries.
  - (16) Museums.
  - (17) Adaptive reuse of structures of community significance.
  - (18) Public safety services.
    - a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.
  - (19) Government services.
    - a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.
  - (20) Government offices.
    - a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.
  - (21) Municipal or public utilities and communication facilities.

(Ord. of 9-21-2009, § 3.41B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 12-08192019, 9-9-2019; Ord. No. 11-03012021, § 12, 3-15-2021; Ord. No. 02-02132023, 2-17-2023)

## **Sec. 60-230. Dimensional regulations.**

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 43,560 square feet and measuring less than 250 feet in width. No lot shall be less than 150 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted, provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2.
- (2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per acre.
- (3) *Yard requirements.*
  - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.
  - b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

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- c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
  - (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. A public building, church or temple, and accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
  - (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements of specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.41C; Ord. No. 11-03012021, §§ 13, 14, 3-15-2021)

**Secs. 60-231—60-253. Reserved.**

*DIVISION 5. SUBURBAN RESIDENCE DISTRICT*

**Sec. 60-254. Purpose.**

This district is intended to provide for, protect and stabilize low density suburban residential areas and their adjunct public and institutional uses. It is designed to ensure an open character of development through its lot size requirements and through permitting of certain uses, rural in nature, that are compatible with residential uses.

(Ord. of 9-21-2009, § 3.42A)

**Sec. 60-255. Use regulations.**

- (a) *Permitted uses.* The following uses are permitted:
  - (1) One-family detached dwellings.
  - (2) Two-family dwellings.
  - (3) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.
  - (4) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.
  - (5) Farming of field crops, row crops, orchards or truck gardens.
  - (6) Greenhouses.
  - (7) Licensed veterinarians, provided that the lot containing same is of at least three acres.
  - (8) Farm, livestock provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2 and:
    - a. A site plan be submitted to the municipal officer charged with enforcement that contains the information required by section 60-1301.
    - b. Upon request, the municipal officer charged with enforcement may waive the necessity of providing any of the foregoing information which is not relevant to the proposed development.



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- c. In judging whether or not a permit to operate an animal farm will be issued, the municipal officer charged with enforcement shall review and make a decision consistent with the finding requirements of section 60-1304.
- (9) Wayside stands.
  - (10) Accessory uses, buildings or structures.
  - (11) Lawn maintenance services.
  - (12) Municipal uses and buildings.
  - (13) Multifamily dwellings with up to four (4) units if in the growth area delineated in the Future Land Use Map in the most recent Comprehensive Plan pursuant to 30-A MRSA §4364 and to Sec. 60-53 and Sec. 60-54 of this chapter. Subdivision law applies.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with division 3 of article XVI of this chapter:
- (1) All uses permitted by special exception in the Rural Residence (RR) District, except those uses allowed by section 60-229(b)(3), (9), (11) and (12).
  - (2) Professional offices may be created within existing single-family residences in existence at the time of adoption of this chapter, provided the following conditions are met:
    - a. Such residences shall have frontage on a major arterial as defined in the city's comprehensive plan.
    - b. Access to parking shall be located on the arterial frontage except for corner lots, in which case access may be located on the secondary roadway frontage.
    - c. In addition to meeting the requirements of article V of this chapter, required parking shall be separated from all lot lines by a buffer of 30 feet in width. Such buffer shall be vegetated in a manner to fully screen parked vehicles from view at the lot lines. A driveway serving such a parking area must be separated from the side lot line by a sight impervious fence of six feet in height or a buffer of ten feet in width meeting the vegetation requirements of this subsection (b)(2)c.
    - d. Signage shall be limited to a single nonilluminated sign with a maximum of 16 square feet of display per side.
  - (3) Adaptive reuse of structures of community significance.
  - (4) Public safety services.
    - a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.
  - (5) Government services.
    - a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.
  - (6) Government offices.
    - a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.
  - (7) Municipal or public utilities and communication facilities.

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(Ord. of 9-21-2009, § 3.42B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-03012021, §§ 15—17, 3-15-2021; Ord. No. 02-02132023, 2-17-2023)

**Sec. 60-256. Dimensional regulations.**

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 21,780 square feet, and measuring less than 150 feet in width; and measuring less than 125 feet in depth.
- (2) *Density.* The density of dwelling units shall not exceed an average of two dwellings per acre.
- (3) *Yard requirements.*
  - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.
  - b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.
  - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet in height with the following exceptions: A farm accessory building or structure, church or temple, or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.42C; Ord. No. 11-03012021, § 18, 3-15-2021)

**Secs. 60-257—60-275. Reserved.**

*DIVISION 6. URBAN RESIDENCE DISTRICT*

**Sec. 60-276. Purpose.**

This district is intended to provide for, protect and stabilize medium density urban residential areas of single- and two-family detached dwellings and their adjunct public and institutional uses. It is designed to ensure a family living environment in an urban setting through lot size requirements that provide adequate yard space for family outdoor activity and play space for children.

(Ord. of 9-21-2009, § 3.43A)

**Sec. 60-277. Use regulations.**

- (a) *Permitted uses.* The following uses are permitted:
  - (1) One-family detached dwellings.

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- (2) Two-family dwellings.
  - (3) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.
  - (4) Accessory uses building or structures.
  - (5) Farming of field crops, row crops, orchards or truck gardens.
  - (6) Municipal uses and buildings.
  - (7) Multifamily dwellings with up to four (4) units if in the growth area delineated in the Future Land Use Map in the most recent Comprehensive Plan pursuant to 30-A MRSA §4364 and to Sec. 60-53 and Sec. 60-54 of this chapter. Subdivision law applies.

(b) *Special exception uses.* All uses permitted by special exception in the Suburban Residence (SR) District (division 5 of article IV of this chapter), except radio, radar, television and radio-telephone transmitting towers are permitted in the Urban Residence (UR) District.

- (1) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.43B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-03012021, §§ 19, 20, 3-15-2021)

### **Sec. 60-278. Dimensional regulations.**

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 10,000 square feet; and measuring less than 100 feet in width. No lot shall be less than 100 feet in depth. No two-family dwelling shall be erected on a lot containing less than 12,000 square feet.
- (2) *Density.* The density of single-family dwelling units shall not exceed four units per acre. The density of two-family dwelling units shall not exceed six units per acre.
- (3) *Yard requirements.*
  - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.
  - b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.
  - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less.
- (4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet in height with the following exceptions: A farm accessory building or structure, church or temple, or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.43C; Ord. No. 11-03012021, § 21, 3-15-2021)

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**Secs. 60-279—60-304. Reserved.**

*DIVISION 7. MULTIFAMILY SUBURBAN DISTRICT*

**Sec. 60-305. Purpose.**

This district is intended to stabilize and protect medium to high density residential areas by providing for a varied denser urban pattern made suitable to the needs of the population by encouraging a range of dwelling types. This multifamily zone has a maximum density of 17 dwelling units per acre, yet retains the open character of residential areas by requiring 50 percent green space. It is intended that this district will provide the maximum possible freedom in the design of structures and their grouping and will encourage flexible and imaginative layouts and designs.

(Ord. of 9-21-2009, § 3.44A)

**Sec. 60-306. Use regulations.**

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings.
- (2) Two-family dwellings.
- (3) Multifamily dwellings ~~in existence on September 23, 1988.~~
- (4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.
- (5) Farming of field crops, row crops, orchards or truck gardens.
- (6) Shelter for abused persons.
- (7) Accessory uses, buildings or structures.
- (8) Newly constructed multifamily dwellings and existing structures expanded to contain three or more additional dwelling units within a five-year period, provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.
- (9) Municipal uses and buildings.

(b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

- (1) All uses are permitted by special exception in the Urban Residence (UR) District (division 6 of article IV of this chapter).
- (2) Off-street parking lot, provided that:
  - a. Such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same zone.
  - b. Reasonable conditions imposed by the planning board regarding location, fencing, screening, drainage, ingress and egress, signs and lighting and total capacity of the parking area designed to protect the residential character of the neighborhood are met.

- (3) Professional offices.
  - a. Shall be in buildings which are listed on the state resource list and/or federal historic register.
  - b. All renovations to the building either internally and externally or both to accommodate the office use shall be accomplished in conformance with accepted historic preservation and rehabilitation guidelines.
  - c. A single sign to identify the building and its uses, conforming to the requirements contained in article VI of this chapter. Signs shall not be lighted.
- (4) Adaptive reuse of structures of community significance.
- (5) Public safety services.
  - a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.
- (6) Government services.
  - a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.
- (7) Government offices.
  - a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.
- (8) Municipal or public utilities and communication facilities.

(Ord. of 9-21-2009, § 3.44B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-03012021, §§ 22, 23, 3-15-2021; Ord. No. 02-02132023, 2-17-2023)

**Sec. 60-307. Dimensional regulations.**

All structures in this district, except as noted, shall be subject to the following dimensional regulations.

- (1) *Minimum lot area, width and depth.* For each building erected, there shall be provided lot areas as follows:
  - a. Building housing one family: 10,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.
  - b. Buildings housing two families: 12,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.
  - c. Multifamily buildings: 10,000 square feet minimum lot area for the first dwelling unit and 2,000 square feet minimum lot area for each additional dwelling unit. No lot shall be less than 100 feet width and 100 feet in depth. More than one principal building per lot is allowed.
- (2) *Density.* The following maximum densities per acre shall apply, according to housing type:

One-family	4 units per acre
Two-family	6 units per acre
Multifamily	17 units per acre

Not less than 50 percent of the net acreage shall be devoted to green area. Green space shall be deemed to include patios, whether paved or not, pedestrian walks, and landscaping within parking lots,

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but no off-street parking spaces, driveways, or common roads. For townhouse projects, the green area of individual lots may be counted toward the 50 percent green space requirement of the project. Net acreage shall include all land contained within the project except dedicated streets or street rights-of-way shown on the city's adopted master development plan or proposed to be so included within a reasonable period of time.

(3) *Yard requirements.*

- a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.
- b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.
- c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

(4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet, except as follows:

- a. Multifamily buildings shall have a maximum height of 45 feet from grade.
- b. A church or temple or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.44C; Ord. No. 11-03012021, §§ 24, 59, 3-15-2021; Ord. No. 19-05032021, 5-17-2021)

**Secs. 60-308—60-332. Reserved.**

*DIVISION 8. RESERVED<sup>1</sup>*

**Secs. 60-333—60-358. Reserved.**

*DIVISION 9. PLANNED UNIT DEVELOPMENTS*

**Subdivision I. In General**

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<sup>1</sup>Editor's note(s)—Ord. No. 25-06212021, adopted July 19, 2021, repealed div. 8, §§ 60-333—60-335, which pertained to the multifamily urban district and derived from an Ord. adopted September 21, 2009; Ord. No. 05-04032017, adopted April 24, 2017; and Ord. No. 11-03012021, adopted March 15, 2021.

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**Sec. 60-359. Purpose.**

The purpose of this section is to provide for a greater variety and choice of design for urban and suburban living, to gain efficiencies, to coordinate design development efforts, to conserve and make available open space, to utilize new technologies for land development and to offer a flexible alternative to conventional land control regulations. This section should not be used as a device for circumventing the city's development regulations and may be employed in instances where there is truly some benefit to be derived from its use for the community and for the developer. The type and amount of development permitted shall be based on the planning board's evaluation of the development proposal and the purposes standards and provisions set forth in this division.

(Ord. of 3-16-2009, § 3.51(A); Ord. of 9-21-2009, § 3.51A; Ord. No. 08-08072017, 9-11-2017)

**Sec. 60-360. Scope.**

- (a) Application for a PUD-C Planned Unit Development, PUD-I Planned Unit Development or PUD-R Planned Unit Development may be made for land located where public sewer is presently available or will be made available by the developer prior to certificates of occupancy being issued. Application for a PUD-RR Planned Unit Development: Recreation/Residential may be made for land located where public sewer is presently available, will be made available by the developer prior to certificates of occupancy being issued or may utilize private wastewater disposal systems in compliance with state plumbing codes.
- (b) The dimensional requirements stated in individual zoning districts and signs as stated in article VI of this chapter may be increased or decreased by the planning board as they apply to planned unit developments, except the front yard setback from all public streets shall not be reduced. The dimensional requirements and provision of signs shall be controlled by the standards sets forth in section 60-359, purpose, and section 60-361, general standards.
- (c) Coordination with subdivision regulations.
  - (1) If a plan review is required under division 4 of article XVI subdivision of this chapter, it shall be accomplished simultaneously with the review of the planned unit development plan under this division of this zoning chapter.
  - (2) The final development plan shall be submitted in a form that is in accordance with the requirements of division 4 of article XVI subdivision of this chapter relative to final plans where applicable.
  - (3) Requirements of this division of this zoning chapter and those of division 4 of article XVI of this chapter shall apply to all planned unit developments.

(Ord. of 3-16-2009, § 3.51(B); Ord. of 9-21-2009, § 3.51B; Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, § 27, 3-15-2021)

**Sec. 60-361. General standards.**

The following provisions apply to all planned unit development districts:

- (1) The dimensional requirements as stated in individual zoning districts shall apply within the PUD but may be increased or decreased due to individual site characteristics as determined by the planning board to promote the purposes set forth in section 60-359 of this chapter.
- (2) The planning board may increase or decrease the required number of off-street parking spaces as stated in article V of this chapter in consideration of the following factors:
  - a. The probable number of cars owned by occupants of dwellings in the planned unit development;

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- b. The parking needs of any nonresidential uses;
  - c. Varying time periods of use, and whatever joint use of common parking areas is proposed.
- (3) Whenever the number of off-street parking spaces is reduced because of the nature of the occupancy, the city shall obtain assurance that the nature of the occupancy will not change.
- (4) A PUD involving residential uses shall reserve an amount of land equal to that required by section 60-1367 to be held as open space for the mutual use of the residents of the PUD or open to the public. Land reserved to satisfy the open space requirement shall be:
- a. Administered through a homeowner's association; or
  - b. Dedicated to and accepted by the city for public use; or
  - c. Land occupied by a major recreational use adjacent to a PUD-RR; or
  - d. Managed by a non-profit organization or land trust deemed capable of management by the planning board; or
  - e. A combination of a, b, c and/or d above.
- (5) All of the requirements of the City Code of Ordinances applicable to the zoning district not addressed in this division, shall apply.
- (6) Before granting approval of the final development plans, the planning board must find that said plan addresses each of the following criteria or that one or more of the criteria are not applicable to the proposed development and/or that a practical substitute to one or more of the criteria has been achieved::
- a. The proposed development has an appropriate relationship to the surrounding area;
  - b. Circulation, in terms of internal street circulation system, is designed for the type of traffic generated, safety, separation from living areas, convenience, access and control of noise and exhaust. Proper circulation in parking areas is designed for safety, convenience, separation and screening;
  - c. Adequate open space has been provided with consideration given to preservation of natural features including trees and drainage areas, topographic features, recreation and views.
  - d. Privacy in terms of needs of individuals, families and neighbors;
  - e. Pedestrian and bicycle traffic in terms of safety, separation, convenience and access points;
  - f. Building types in terms of appropriateness to density, site relationship and bulk;
  - g. Building design in terms of orientation, spacing, character, storage, signs and lighting;
  - h. Landscaping of total site in terms of purpose such as screening, ornamental types used, and materials uses, if any;
  - i. Preservation of historically or architecturally significant buildings or places, if any;
  - j. There is public sewer available to the lot or will be made available by the developer prior to certificates of occupancy being issued, except as allowed by section 60-360(a) in the case of a PUD-RR.
  - k. That the proposal meets the requirements of section 60-1335, special exception of this ordinance.

(Ord. of 3-16-2009, § 3.51(D); Ord. of 9-21-2009, § 3.51D; Ord. No. 08-08072017, 9-11-2017)



*DIVISION 10. RESERVED<sup>2</sup>*

*DIVISION 12. GENERAL BUSINESS DISTRICT*

**Sec. 60-498. Purpose.**

This district is intended to include commercial uses serving both the city and the region, together with normal accessory uses compatible with a cohesive and attractive shopping and office area.

(Ord. of 9-21-2009, § 3.62A)

**Sec. 60-499. Use regulation.**

(a) *Permitted uses.* The following uses are permitted:

- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 7 of article IV of this chapter).
- (2) Grocery stores and supermarkets.
- (3) Clothing stores.
- (4) Furniture stores.
- (5) Department stores.
- (6) Specialty shops.
- (7) Hotels and motels.
- (8) Funeral homes and mortuaries.
- (9) Child day care centers.
- (10) Medical and dental clinics.
- (11) Wholesale bakeries.
- (12) Retail laundries and dry cleaners, but not plants.
- (13) Banks, business and professional offices.
- (14) Public transportation passenger offices.
- (15) Governmental offices.

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<sup>2</sup>Editor's note(s)—Ord. No. 20-05032021, adopted May 17, 2021, repealed div. 10, §§ 60-439—60-443, which pertained to the downtown enterprise zone and derived from an Ord. adopted September 21, 2009 and Ord. No. 05-04032017, adopted April 24, 2017.

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- (16) Municipal, civic or public service buildings and other utility facilities.
  - (17) Warehouses, wholesale offices, salesrooms and showrooms.
  - (18) Restaurants, bars, dining rooms or lunchrooms, but not to include drive-in and carry-out restaurants.
  - (19) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
  - (20) Animal hospitals and pet shops, but no kennels.
  - (21) Business equipment repair and business services.
  - (22) Radio and television studios.
  - (23) Printing shops, but not publishing plants.
  - (24) Retail, service, office and commercial uses similar to the foregoing.
  - (25) Carwashes.
  - (26) Accessory uses, building and structures.
  - (27) Shelters for abused persons.
  - (28) Greenhouses and lawn maintenance services.
  - (29) Temporary outdoor places of amusement.
  - (30) Churches and temples.
  - (31) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of the City of Auburn Ordinances.
  - (32) Marijuana cultivation accessory to a licensed retail store on the same property.
- (b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:
- (1) Automobile filling stations.
  - (2) Automobile repair and service stations.
  - (3) Automobile and marine sales lots and sales and service agencies.
  - (4) Automobile and marine paint and body repair shops.
  - (5) Hospitals, care homes, boardinghouses and lodginghouses.
  - (6) Research or philanthropic institutions.
  - (7) Outdoor theaters.
  - (8) Drive-in or carry-out restaurants.
  - (9) Commercial parks.
  - (10) Sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers, and machine equipment.
  - (11) Light industrial plants which will not create a nuisance by noise, vibration, smoke, odor or appearance.
  - (12) Off-street parking as a commercial or municipal use provided that such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same district. The planning board may impose conditions regarding fencing and screening, drainage, ingress and egress,

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signs and lighting, and total capacity of the parking area as it deems necessary to protect the character of the neighborhood.

- (13) Trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.
- (14) Convenience stores.
- (15) Research, experimental and testing laboratories.
- (16) Landscape services.
- (17) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 5,000 square feet or more.
- (18) Automotive towing and storage.
- (19) Major retail development provided that it meets the conditions noted in section 60-45(g).
- (20) Outpatient addiction treatment clinics.
- (21) Adaptive reuse of structures of community significance.
- (22) Public safety services.
  - a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.
- (23) Government services.
  - a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. of 9-21-2009, § 3.62B; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 05-05202019, 6-3-2019; Ord. No. 11-03012021, §§ 30, 31, 3-15-2021; Ord. No. 02-02132023, 2-17-2023)

## **Sec. 60-500. Dimensional regulations.**

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

- (1) *Minimum lot width and depth.* No building used for commercial or office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban District (MFS), section 60-307(1).
- (2) *Density.* Not more than 60 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).
- (3) *Yard requirements.*
  - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.
  - b. *Side.* There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.

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- c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth off front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.
  - d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
  - e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.
  - f. *Open and unbuilt spaces.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials. Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.
- (4) *Height.* No permitted structure shall exceed four stories or 45 feet in height. Religious buildings, municipal buildings or buildings listed by the state historic preservations commission may have a steeple, cupola or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building. In the airport approach zone, Federal Aviation Administration regulations shall apply. Accessory structures, including windmills, that are necessary for the operation of an allowed principal use may exceed the above maximum height requirements, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of the yard required pursuant to this section. In the airport approach zone, Federal Aviation Administration regulations shall apply.
- (5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.62C; Ord. of 3-22-2010; Ord. No. 11-03012021, §§ 32, 64, 3-15-2021; Ord. No. 06-06202023, 7-10-2023)

**Secs. 60-501—60-523. Reserved.**

***DIVISION 13. MINOT AVENUE (GBII)***

**Sec. 60-524. Purpose.**

This district is intended to allow commercial development to locate along the Minot Avenue corridor which is most compatible with local scale business. The corridor is also an arterial which requires that good sound access management design is incorporated into the uses consistent with the access management ordinance.

(Ord. of 9-21-2009, § 3.63A)

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**Sec. 60-525. Use regulation.**

(a) *Permitted uses.* The following uses are permitted:

- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 7 of article IV of this chapter).
- (2) Grocery stores and supermarkets.
- (3) Clothing stores.
- (4) Furniture stores.
- (5) Department stores.
- (6) Specialty shops.
- (7) Hotels and motels.
- (8) Funeral homes and mortuaries.
- (9) Child day care centers.
- (10) Medical and dental clinics.
- (11) Retail bakeries.
- (12) Retail laundries and dry cleaners.
- (13) Banks, business and professional offices.
- (14) Public transportation passenger offices.
- (15) Governmental offices.
- (16) Municipal, civic or public service buildings and other utility facilities.
- (17) Restaurants, dining rooms or lunchrooms.
- (18) Bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
- (19) Animal hospitals and pet shops, but not kennels.
- (20) Business equipment repair and business services.
- (21) Radio and television studios.
- (22) Printing shops, but not publishing plants.
- (23) Carwashes.
- (24) Accessory uses, buildings and structures.
- (25) Greenhouses.
- (26) Seasonal outdoor places of amusement.
- (27) Churches and temples.
- (28) Shelters for abused persons.
- (29) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of the City of Auburn Ordinances.

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- (30) Marijuana cultivation accessory to a licensed retail store on the same property.
  - (31) Automobile and marine sales lots and sales and service agencies, provided that the vehicle display spaces are limited to not more than 10 spaces per 1,000 square feet of gross building area permanently constructed on the site with maximum of 100 display spaces.
- (b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:
- (1) Commercial parks.
  - (2) Automobile repair and service stations.
  - (3) Hospitals, care homes, boardinghouses and lodginghouses.
  - (4) Research or philanthropic institutions.
  - (5) Outdoor theaters.
  - (6) Drive-in or carry-out restaurants.
  - (7) Sales, rental and service agencies for farm equipment, trucks and trailers, and construction equipment.
  - (8) Light industrial plants which support a retail store selling goods made on the premises and will not create a nuisance by noise, vibration, smoke, odor or appearance.
  - (9) Convenience stores.
  - (10) Research, experimental and testing laboratories.
  - (11) Landscape services and lawn maintenance services.
  - (12) Halls, private clubs and lodges.
  - (13) Outpatient addiction treatment clinics.
  - (14) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under section 60-525(a) which will occupy an area of 5,000 square feet or more.
  - (15) Adaptive reuse of structures of community significance.
  - (16) Public safety services.
    - a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.
  - (17) Government services.
    - a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. of 9-21-2009, § 3.63B; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-05202019, 6-3-2019; Ord. No. 11-03012021, §§ 33, 34, 3-15-2021; Ord. No. 21-05032021, 5-17-2021; Ord. No. 26-06212021, 7-19-2021; Ord. No. 02-02132023, 2-17-2023)

### **Sec. 60-526. Dimensional regulations.**

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

- (1) *Minimum lot width and depth.* No building used for commercial office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot

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area, width and depth as provided for buildings in the Multifamily Suburban (MFS) District, section 60-307(1).

- (2) *Density.* Not more than 60 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban (MFS) District, section 60-307(2).
- (3) *Yard requirements.*
  - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.
  - b. *Side.* There shall be a distance of five feet between any building and the side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.
  - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less.
  - d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
  - e. *Outdoor storage.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials, Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.
- (4) *Height.* No permitted structure shall exceed four stories or 45 feet in height, except in the airport approach zone where Federal Aviation Administration regulations shall apply.
- (5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.63C; Ord. No. 11-03012021, § 40, 3-15-2021; Ord. No. 07-06202023, 7-10-2023)

**Secs. 60-527—60-545. Reserved.**

## *DIVISION 14. FORM BASED CODE<sup>3</sup>*

### **Subdivision I. In General**

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<sup>3</sup>Editor's note(s)—Ord. No. 04-03072016, adopted May 16, 2016, repealed former Div. 14, §§ 60-546—60-549, in its entirety and enacted new provisions as herein set out. Former Div. 14 pertained to the central business district and derived from Ord. of 9-21-2009, §§ 3.69A—3.69D; Ord. of 2-16-2010.

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### **Sec. 60-546. Purpose.**

The purpose of the form based code is to:

- (a) Provide a building development pattern that is based upon the built environment's physical form and its relationship to the public realm and the private realm.
- (b) Allow for a diversity of uses appropriate and compatible to the designated district area.
- (c) Provide a more accelerated building design, review, approval and construction process.
- (d) Deliver a more predictable building development outcome that is consistent with the traditional pedestrian-oriented street-building development pattern.

(Ord. No. 04-03072016, 5-16-2016)

### **Sec. 60-547. Transects.**

Form based code uses transects as a way to describe the areas under the regulating plan. A transect is a system of ordering human habitats in a range from the most natural to the most urban. Auburn's transects are organized using five form based code districts, (Transect 4.1, Transect 4.2B, Transect 4.2, Transect 5.1, Transect 5.2 and Transect 6), which describe the physical character of a place at a certain scale, according to the density and intensity of land use and urbanism.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 20-09062022, § 1, 9-19-2022)

### **Sec. 60-548. Traditional Main Street Neighborhood (T-4.1)**





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## **Illustrative View of T-4.1 (Main Street)**

### **Intent and Purpose: Traditional Main Street Neighborhood (T-4.1)**

The Main Street Neighborhood district is designed to continue the existing pattern of large houses set along Main Street. This area is characterized by front porches, residential front yards and front doors facing the street. T-4.1 promotes a lower-density and less concentrated pattern of buildings along the street, while maintaining a pleasing, connective and compact multi-modal environment.



### Characteristic Features

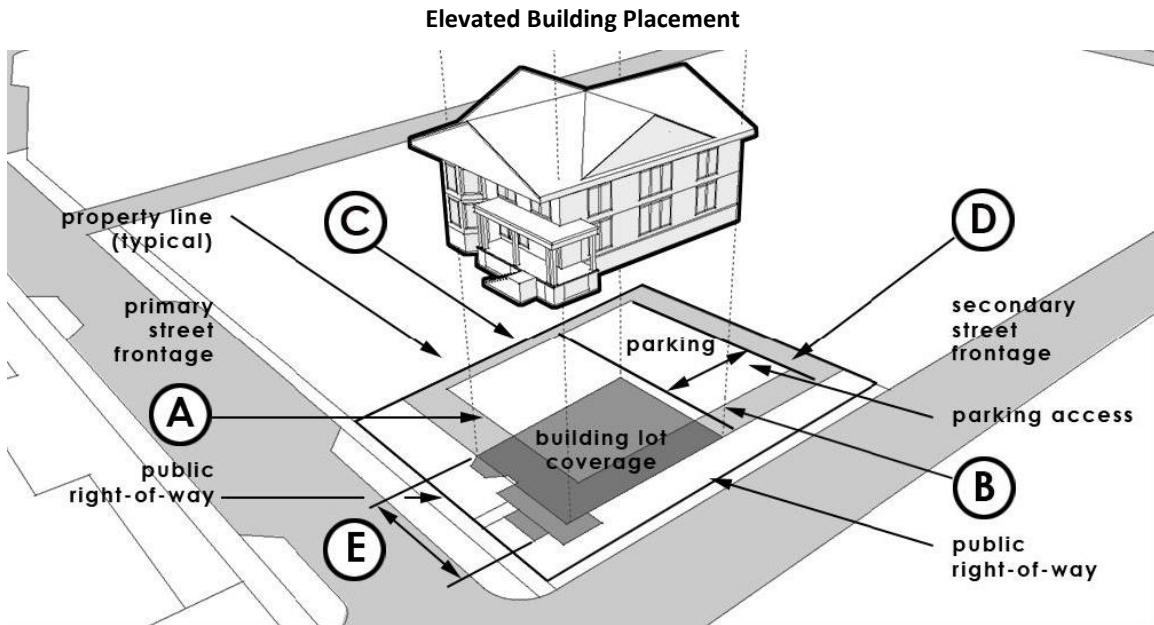
- Front lawns
- Front facade detailing
- Frontage fences
- Porches
- Bay windows
- Foundation planting and yard landscaping
- Street Trees
- Lower Density



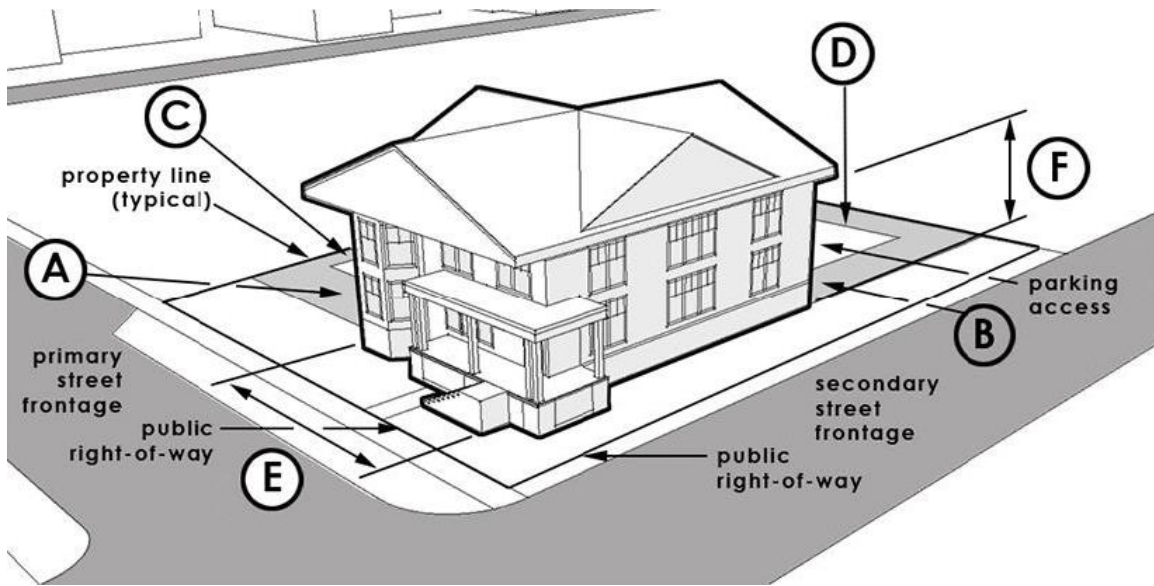
Examples of Main Street Neighborhood - T-4.1

(Ord. No. 04-03072016, 5-16-2016)

**Sec. 60-548.1. Building placement and configuration T-4.1.**



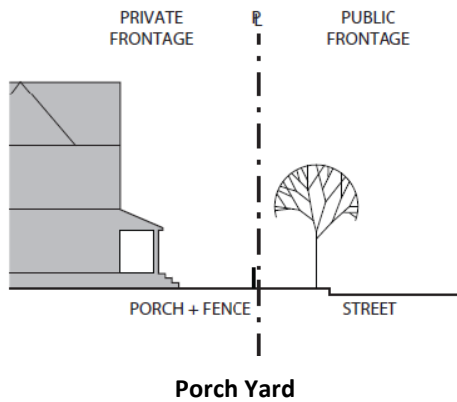
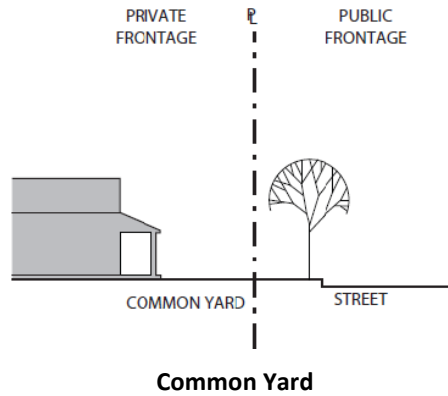
Building Placement on Lot



<b>PRINCIPAL BUILDING PLACEMENT:</b>		
Front Setback, Principal:	15 ft. Min. 25 ft. Max.	(A)
(Corner Lot) Front Setback, Secondary:	15 ft. Min., 25 ft. Max	(B)
Side Setback:	5 ft. Min.	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	60% Max.	
Useable Open Space:	20% Min.	
Frontage Build-Out:	40% Min. (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 120 ft. Max	
<b>PRINCIPAL BUILDING CONFIGURATION:</b>		
Building Width:	14 ft. Min., 64 ft. Max.	(E)
Building Height Minimum:	2 Story Min.	(F)
Building Height Maximum:	2 Story Max. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

**Sec. 60-548.2. Building frontages types T-4.1.**



<b>BUILDING FRONTAGE TYPES:</b>	Common Yard; Porch Yard
<b>BUILDING ENTRIES:</b>	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facades:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	The ground story shall be a minimum of 2 feet and 6 feet maximum above the front yard elevation (average grade).
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 04-03072016, 5-16-2016)

**Sec. 60-548.3. External elements T-4.1.**

Front Yard Fence:	A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. Chain link, vinyl, split rail, or barbed wire is not allowed.
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum or maximum front setback line.
Porch & Stoop Encroachments:	Porches & Stoops may encroach upon the minimum front setback line by the following distances: Front Setback, Principal Frontage 10 ft. maximum. Front Setback, Secondary Frontage 10 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	<u>Residential</u> - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any sidewalk or travel way. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 65, 3-15-2021)

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**Sec. 60-548B. Traditional Neighborhood T-4.2B.**

**Illustrative View of T-4.2B**



**Intent and Purpose:  
Traditional Neighborhood (T-4.2B)**

The Traditional Neighborhood district is characterized by small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.





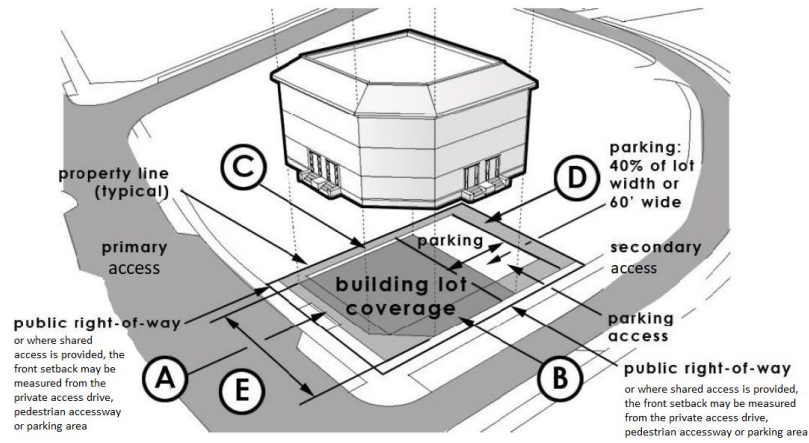
### Characteristic Features

- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

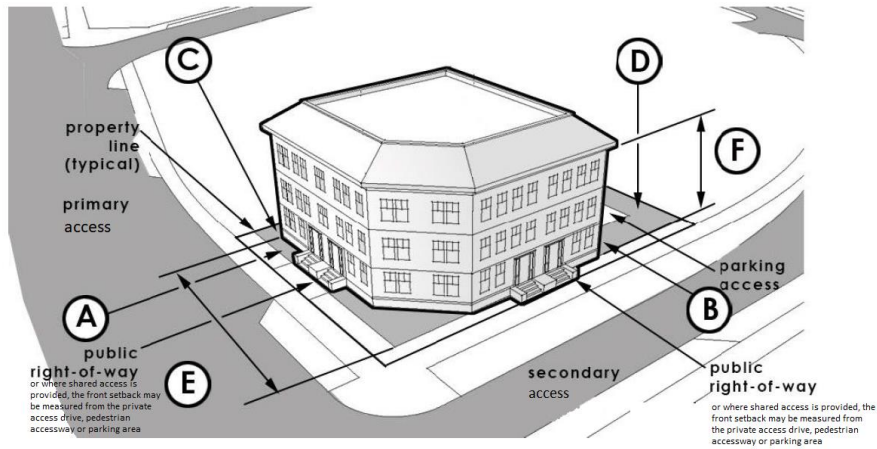
(Ord. No. 20-09062022, § 2, 9-19-2022; Ord. No. 12-09052023, 9-18-2023)



**Sec. 60-548B.1. Building placement and configuration T-4.2B.**



**Elevated Building Placement**



**Building Placement on Lot**

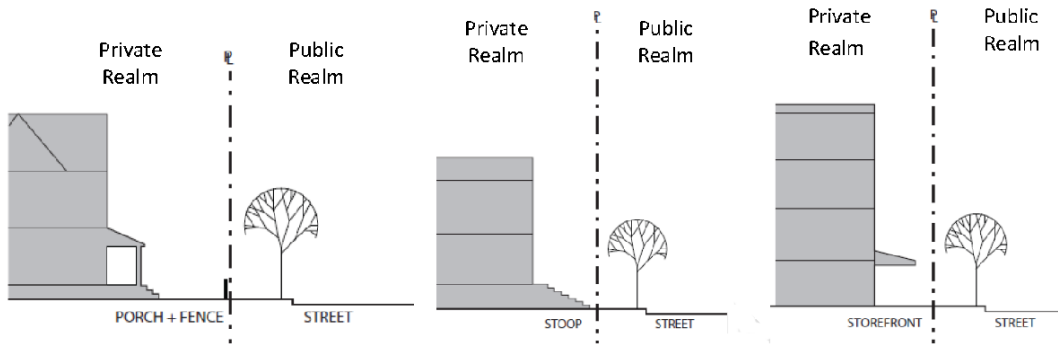
<b>PRINCIPAL BUILDING PLACEMENT:</b>		
Front setback, principal:	5 ft. min./25 ft. max. *	(A)
(Corner lot) front setback, secondary:	5 ft. min./15 ft. max.	(B)
Side setback:	5 ft. min.	(C)
Rear setback:	10 ft. min.	(D)
Building lot coverage:	70% Max.	
Useable open space:	10% Min.	
Frontage build-out:	60% min (along front setback, primary) for commercial and multi-family uses and 30% minimum for single family and two-family homes. This provision does not apply to developments with private shared access ways to more than one structure.	
Lot Width:	24 ft. min/120 ft. max.	
<b>PRINCIPAL BUILDING CONFIGURATION:</b>		

Building width:	14 ft. min./110 ft. max.	(E)
Building height minimum:	1 story min.	(F)
Building height maximum:	3 story max.	(F) (excluding attic story)

\* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Front setback, principal—where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area.

(Ord. No. 20-09062022, § 2, 9-19-2022; Ord. No. 12-09052023, 9-18-2023)

**Sec. 60-548B.2. Building frontages T-4.2B.**



**Common or Porch Yard Stoop Yard Frontage Storefront Type**

<b>BUILDING FRONTAGE TYPES:</b>	Common yard; porch yard, stoop and storefront.
<b>BUILDING ENTRIES:</b>	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground story building frontage facade:	<u>Residential with one or two units</u> - No minimum and maximum window or door area applies. <u>Residential with three or more units</u> - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. <u>Commercial</u> - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper story building frontage facade:	<u>Residential structures with one or two units</u> - No minimum and maximum window or door area applies. <u>Residential structures with three or more units and commercial</u> - Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story frontage facade.
Ground story finished floor elevation:	<u>Residential</u> - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum

	above the front yard elevation (average grade). <u>Commercial</u> - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage facade wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 20-09062022, § 2, 9-19-2022; Ord. No. 12-09052023, 9-18-2023)

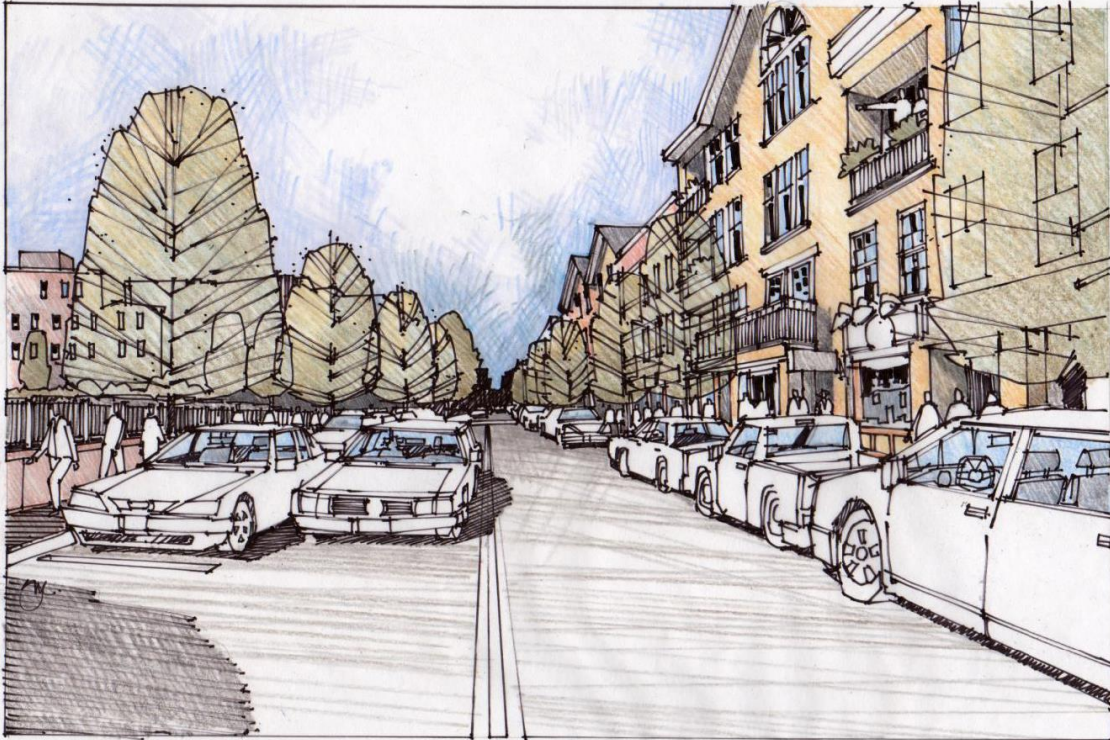
**Sec. 60-548B.3. External elements T-4.2B.**

Front yard fence:	<u>Residential</u> - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed .
Front yard fence/wall opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & stoop encroachments:	Porches & stoops may encroach upon the minimum front setback line by the following distances: Front setback, principal frontage 5 ft. maximum. Front setback, secondary frontage 5 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	<u>Residential</u> - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right-of-way or sidewalk. Street trees are encouraged.
Foundation planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 20-09062022, § 2, 9-19-2022)

**Sec. 60.549. Traditional Downtown Neighborhood T-4.2.**

**Illustrative View of T-4.2 (Spring Street)**



**Intent and Purpose:**  
**Traditional Downtown Neighborhood (T-4.2)**

The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building set-backs form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.



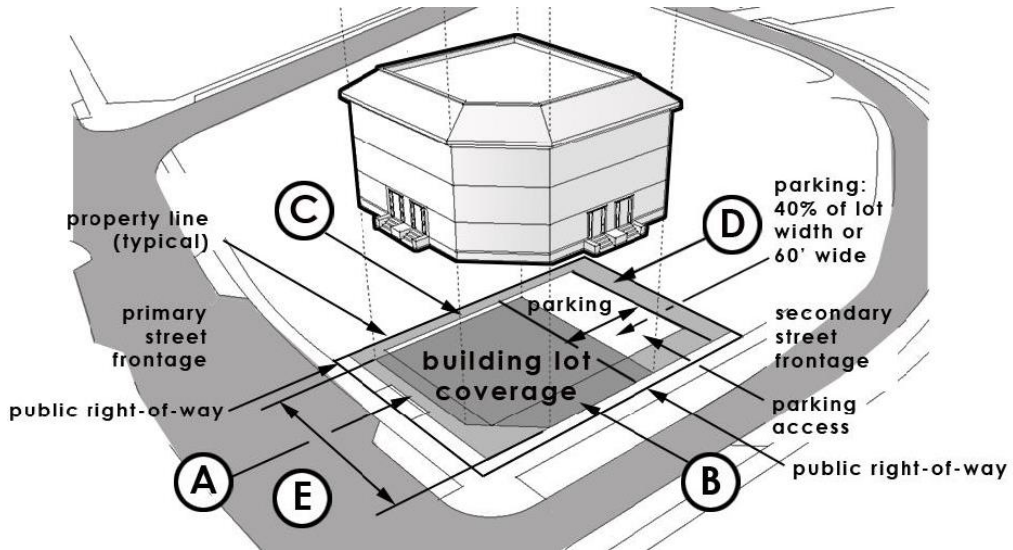


### Characteristic Features

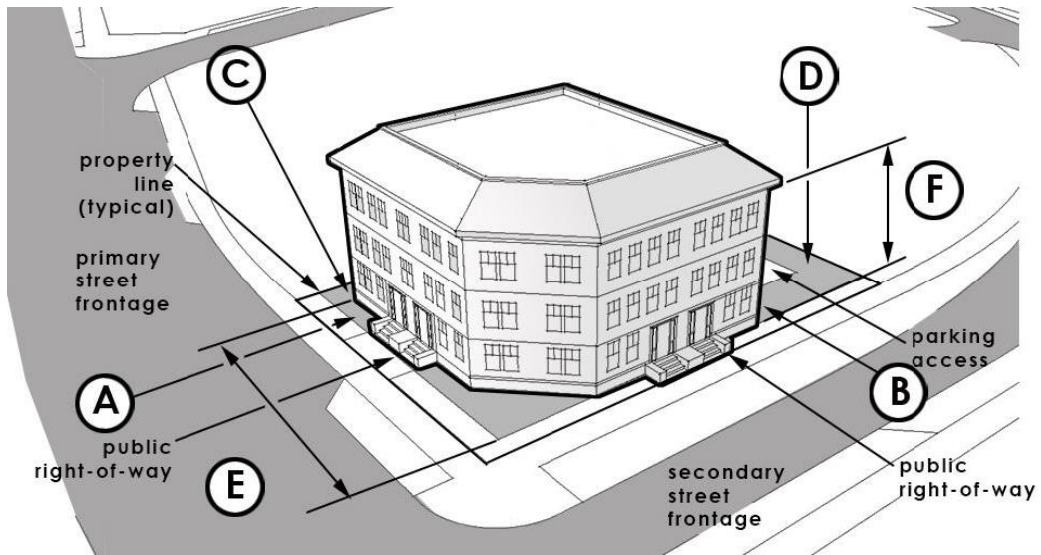
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 04-03072016, 5-16-2016)

**Sec. 60-549.1. Building placement and configuration T-4.2.**



**Elevated Building Placement**

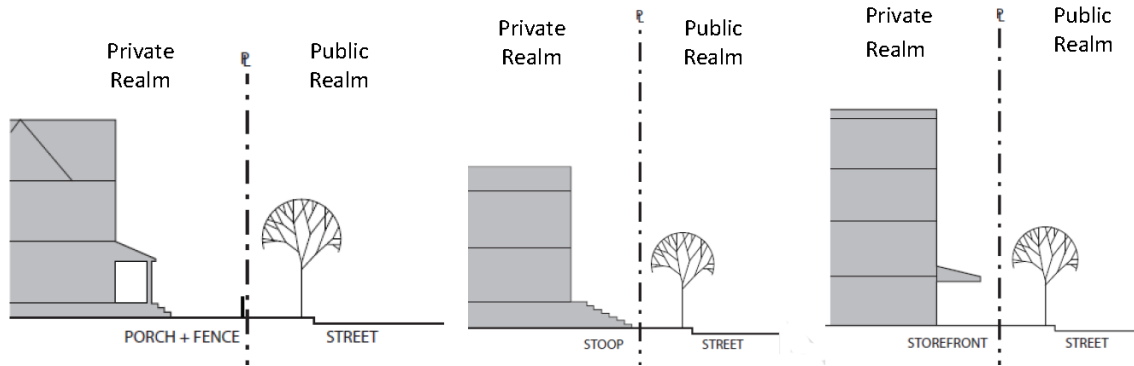


**Building Placement on Lot**

<b>PRINCIPAL BUILDING PLACEMENT:</b>		
Front Setback, Principal:	5 ft. Min/, 15 ft. Max	(A)
(Corner Lot) Front Setback, Secondary:	5 ft. Min., 15 ft. Max.	(B)
Side Setback:	5 ft. Min.	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	70% Max.	
Useable Open Space:	10% Min.	
Frontage Build-Out:	60% Min (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 120 ft. Max.	
<b>PRINCIPAL BUILDING CONFIGURATION:</b>		
Building Width:	14 ft. Min., 110 ft. Max.	(E)
Building Height Minimum:	1 Story Min.	(F)
Building Height Maximum:	3 Story Max.	(F) (excluding attic story)

(Ord. No. 04-03072016, 5-16-2016)

**Sec. 60.549.2. Building frontages T-4.2.**



**Common or Porch Yard Stoop Yard Frontage Storefront Type**

<b>BUILDING FRONTAGE TYPES:</b>	Common Yard; Porch Yard, Stoop and Storefront
<b>BUILDING ENTRIES:</b>	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground Story Building Frontage Facade:	<u>Residential</u> - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. <u>Commercial</u> - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.



Ground Story Finished Floor Elevation:	<u>Residential</u> - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). <u>Commercial</u> - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 66, 3-15-2021)

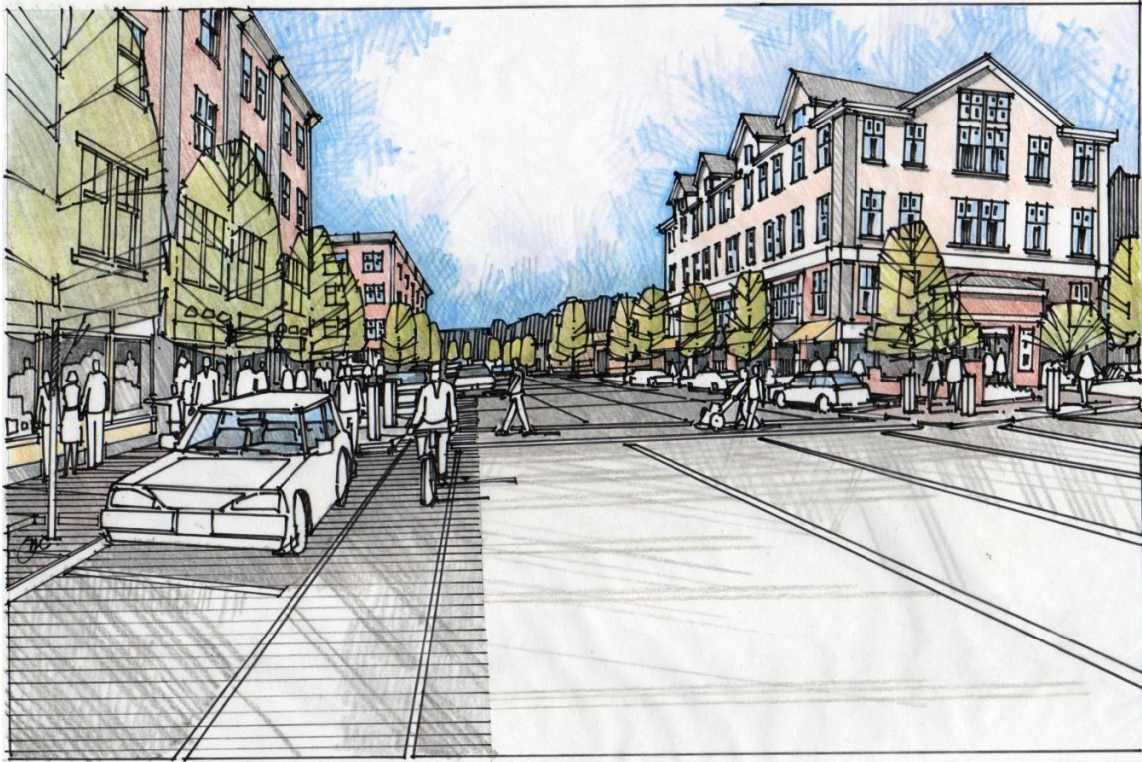
**Sec. 60-549.3. External elements T-4.2.**

Front Yard Fence:	<u>Residential</u> - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & Stoop Encroachments:	Porches & Stoops may encroach upon the minimum front setback line by the following distances: Front Setback, Principal Frontage 5 ft. maximum. Front Setback, Secondary Frontage 5 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	<u>Residential</u> - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right-of-way or sidewalk. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

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(Ord. No. 04-03072016, 5-16-2016)

**Sec. 60-550. Downtown Traditional Center T-5.1.**



**Illustrative View of T-5.1 (Future Great Falls Plaza)**

**Intent and Purpose:  
Downtown Traditional Center (T-5.1)**

The Downtown Traditional Center zone is characterized by medium to larger sized buildings in a compact urban environment that generates an active street life. There is interplay between the Public Realm of the busy street and sidewalk, and the Private Realm of the residential stoops, commercial storefronts and gallery building fronts. The increased building widths form a more solid and compact street wall pattern, generating an energized traditional downtown feel.



### Key Features

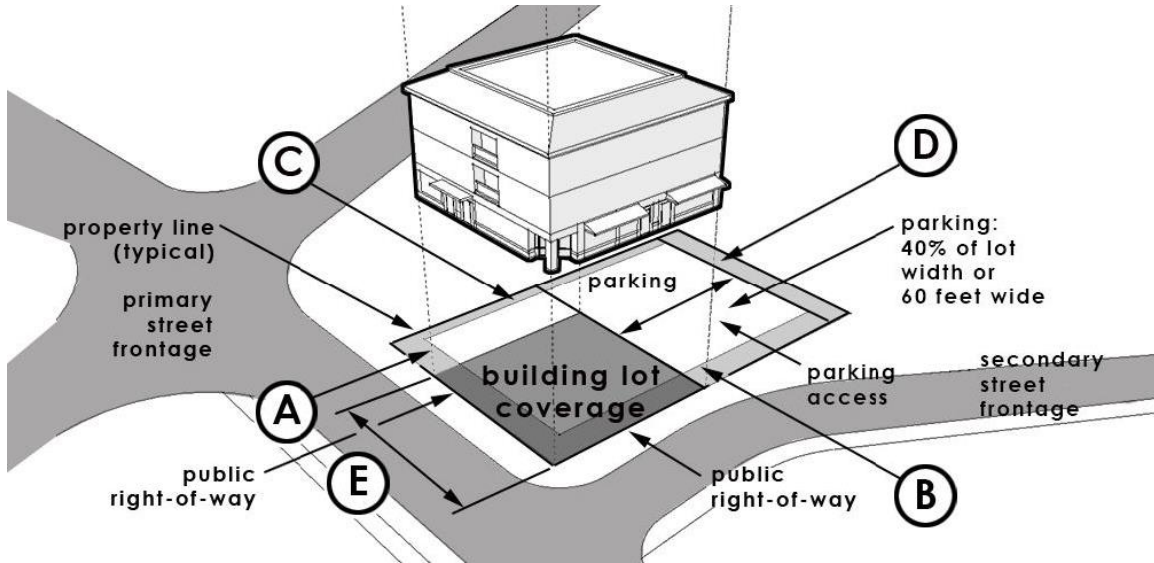
- Vibrant and active interaction between public and private realms
- Larger buildings
- Front facade detailing
- Bay windows
- Balconies
- Street trees
- More urban density



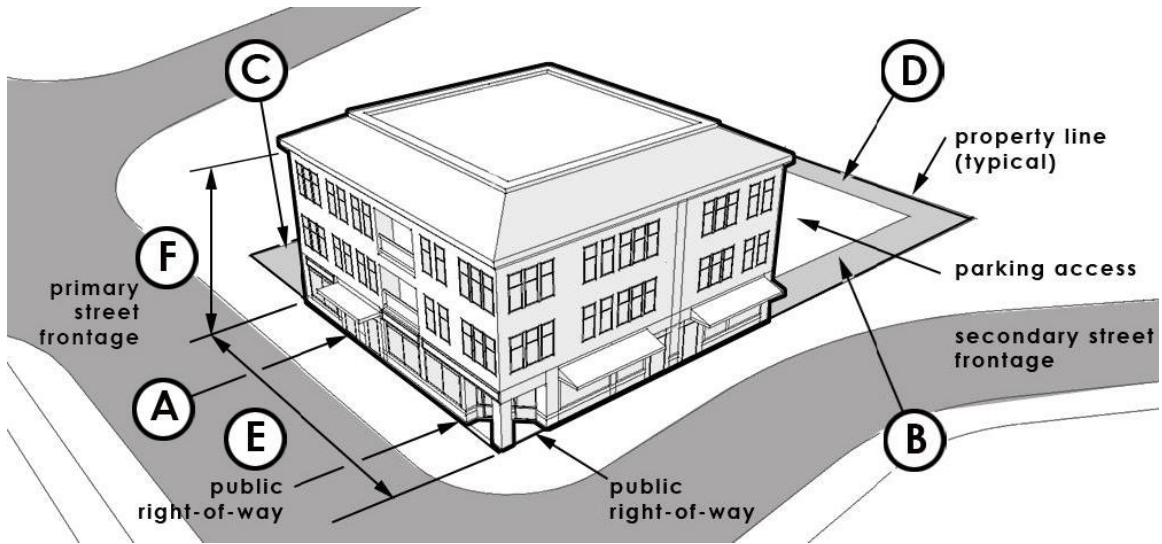
**Examples of Downtown Traditional Center T-5.1**

(Ord. No. 04-03072016, 5-16-2016)

**Sec. 60-550.1. Building placement and configuration T-5.1.**



**Elevated Building Placement**

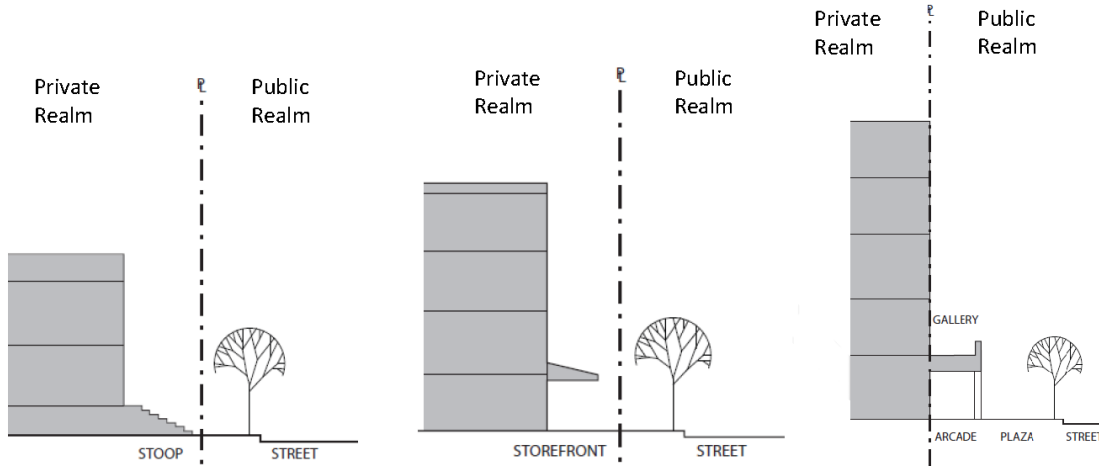


**Building Placement on Lot**

<b>PRINCIPAL BUILDING PLACEMENT:</b>		
Front Setback, Principal:	0 ft. Min., 10 ft. Max.	(A)
(Corner Lot) Front Setback, Secondary:	0 ft. Min., 10 ft. Max.	(B)
Side Setback:	0*—5 ft. Min.	(C)
	*Subject to Building Permit Approval	
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	75% Max.	
Useable Open Space:	5% Min.	
Frontage Build-Out:	75% Min. along Front Setback, Primary	
Lot Width:	24 ft. Min, 160 ft.Max.	
<b>PRINCIPAL BUILDING CONFIGURATION:</b>		
Building Width:	14 ft. Min., 150 ft. Max.	(E)
Building Height Minimum:	2 Story Min. (F)	
Building Height Maximum:	4 Story Max. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

**Sec. 60-550.2. Building frontages T-5.1.**



**Stoop Frontage YardStorefront FrontageGallery Frontage**

<b>BUILDING FRONTAGE TYPES:</b>	Stoop, Storefront and Gallery
<b>BUILDING ENTRIES:</b>	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.

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(Supp. No. 29)

Ground Story Finished Floor Elevation:	The ground story must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade).
Front Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 04-03072016, 5-16-2016)

**Sec. 60-550.3. External elements T-5.1.**

Front Yard Fence: (Residential)	<u>Residential</u> - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed.
Street Wall/Wall Opening:	A vehicle entry way, as part of a street wall, shall be a maximum width of 20 feet (residential) and 24 feet (commercial); a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.
Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right-of-way.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	<u>Residential</u> - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 67, 3-15-2021)

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**Sec. 60-551. Downtown City Center T-5.2.**



**Illustrative View of T-5.2 (Court Street)**

**Intent and Purpose:  
Downtown City Center (T-5.2)**

The Downtown City Center district is characterized by medium to large sized buildings in a compact urban environment. This setting will generate social and cultural activity and events, economic stimulation and human interaction. The streets will be important transportation corridors with large sidewalks. The large residential and commercial building widths, frontages and building heights form a solid, compact street wall pattern. The Downtown Center will generate regional economic development activity along with energized social and lifestyle options.





### Key Features

- Vibrant street life
- Front facade detailing
- Articulated storefront entrance
- Awnings for storefronts
- Balconies
- Wide sidewalks
- Street Trees
- Compact Urban Environment

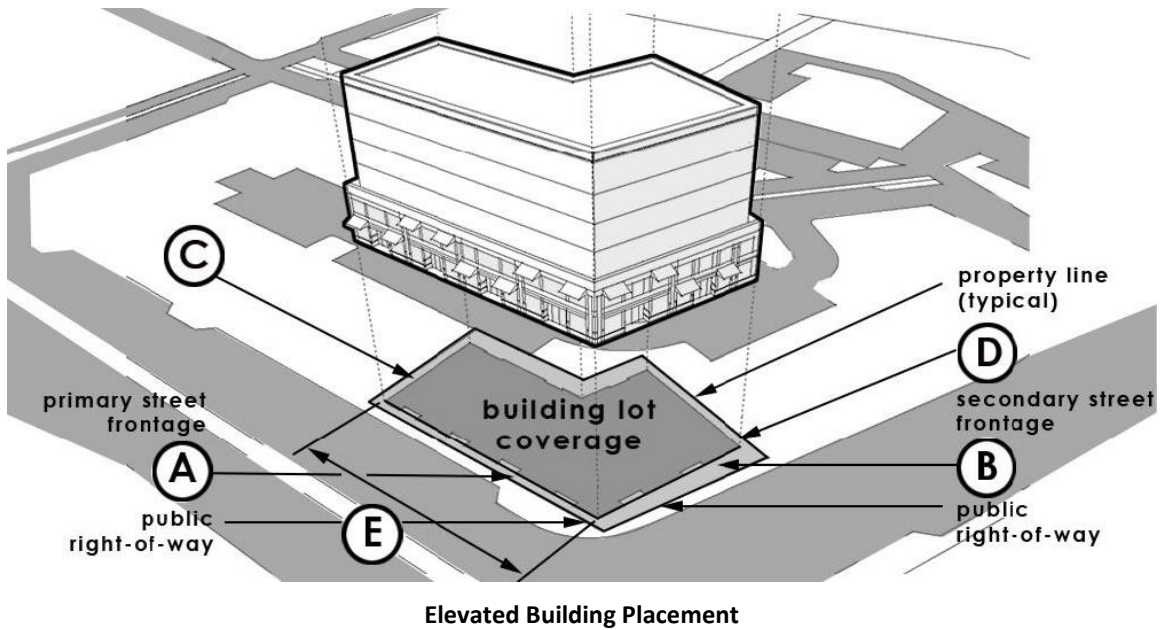


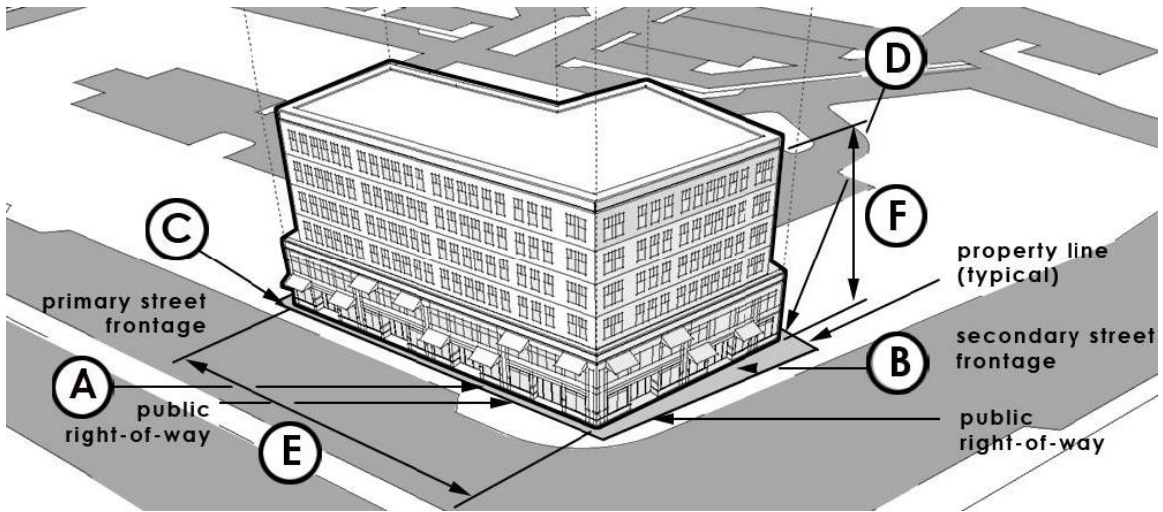


Examples of Downtown City Center - T-5.2

(Ord. No. 04-03072016, 5-16-2016)

**Sec. 60-551.1. Building placement and configuration T-5.2.**



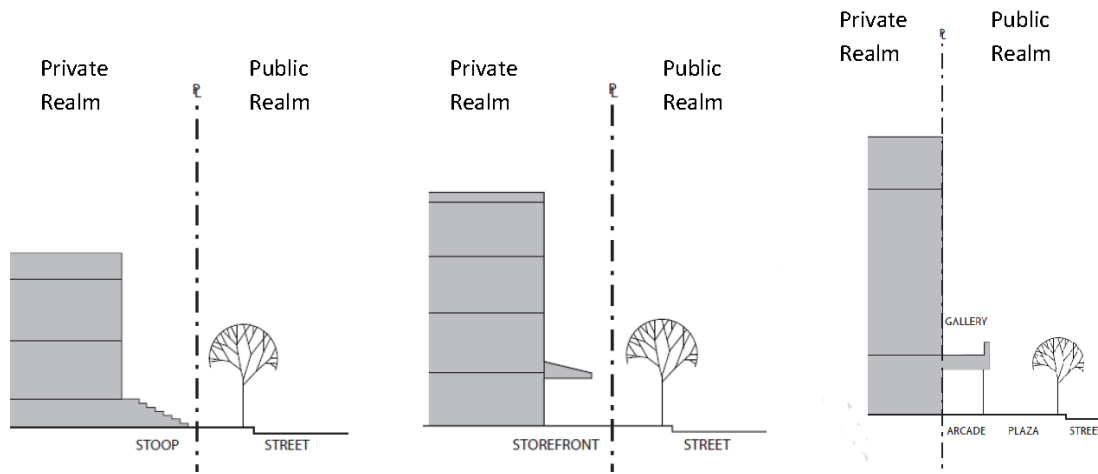


**Building Placement on Lot**

<b>PRINCIPAL BUILDING PLACEMENT:</b>		
Front Setback, Principal:	0 ft. Min., 10 ft. Max	(A)
(Corner Lot) Front Setback, Secondary:	0 ft. Min. 10 ft. Max.	(B)
Side Setback:	0*—5 ft. Min. *Subject to Building Permit Approval	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	80% Max.	
Useable Open Space:	5% Min.	
Frontage Build-Out:	85% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 240 ft Max	
<b>PRINCIPAL BUILDING CONFIGURATION:</b>		
Building Width:	12 ft. Min., 230 ft. Max.	(E)
Building Height Minimum:	2 Story Min.	(F)
Building Height Maximum:	6 Story Max. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

**Sec. 60-551.2. Building frontages T-5.2.**



**Stoop Frontage YardStorefront FrontageGallery Frontage**

<b>BUILDING FRONTAGE TYPES:</b>	Stoop, Storefront and Gallery
<b>BUILDING ENTRIES:</b>	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground Story Building Frontage Facade:	<u>Residential:</u> Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage. <u>Storefront:</u> Windows and doors shall comprise a

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(Supp. No. 29)

	minimum 60% and maximum 90% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	<u>Residential</u> : Ground story must be a minimum of 2 feet or 6 feet maximum above the average front yard elevation. <u>Storefront</u> : Ground story must be a minimum of at the average sidewalk elevation or a maximum of 2 feet above the front yard elevation.
Front Facade Wall:	Blank lengths of wall exceeding 15 linear feet are prohibited.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 68, 3-15-2021)

**Sec. 60-551.3. External elements T-5.2.**

Front Yard Fence: (Residential)	A front yard fence a minimum of 3 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street.
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Required Street Wall Height:	A street wall a minimum of 4 feet and maximum of 6 feet shall be required along the building line frontage that is not otherwise occupied by the principal building on the lot. The height of the street wall shall be measured from the adjacent public sidewalk or from the adjacent ground elevation once construction is complete.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.
Stoop Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right-of-way.
Parking:	<u>Residential</u> - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.

Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.
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(Ord. No. 04-03072016, 5-16-2016)

**Sec. 60-552. Great Falls Metropolitan T-6.**



**Illustrative View of T-6 (Turner Street)**

**Intent and Purpose:  
Great Falls Metropolitan (T-6)**

The Great Falls Metropolitan zone is characterized by large buildings up to 8 stories tall that will define the City of Auburn's emerging downtown. A new central square, "Great Falls Square" will provide a downtown focal point and center for professional enterprise and commerce. The Great Falls Metropolitan urban form will generate strong regional socio-economic gravitational pull, attract corporate investment and become a regional destination for visitors, events, entertainment, shopping and social gatherings.



### **Key Features**

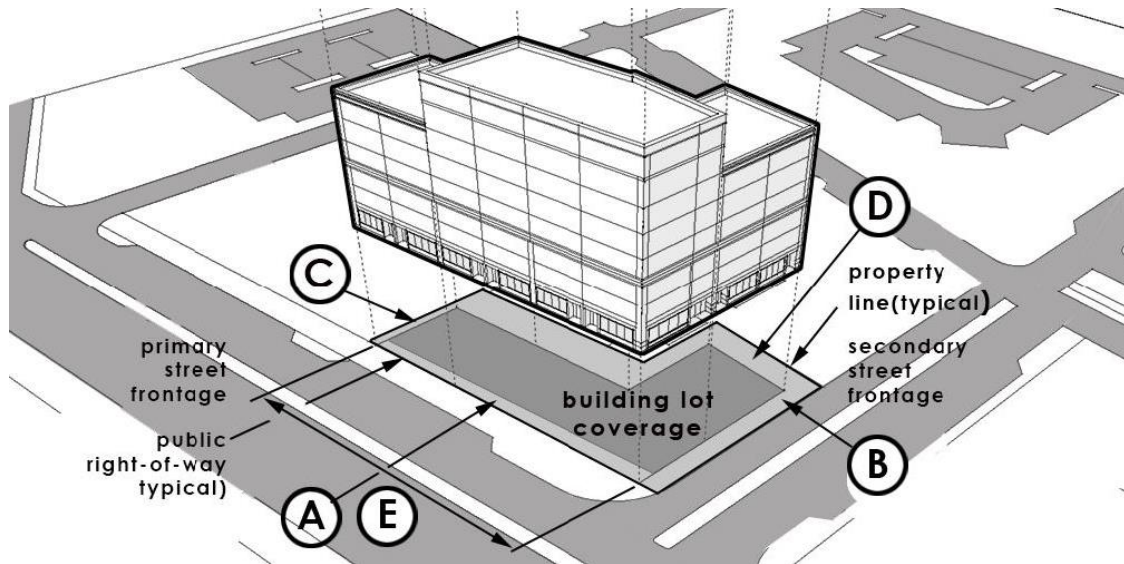
- High energy downtown center
- Balconies
- Articulated storefront entrances
- Awnings for storefronts
- Wide sidewalks
- Street trees
- Streetscape elements (benches, planters)
- Transportation hub
- High density



**Examples of Great Falls Metropolitan T-6**

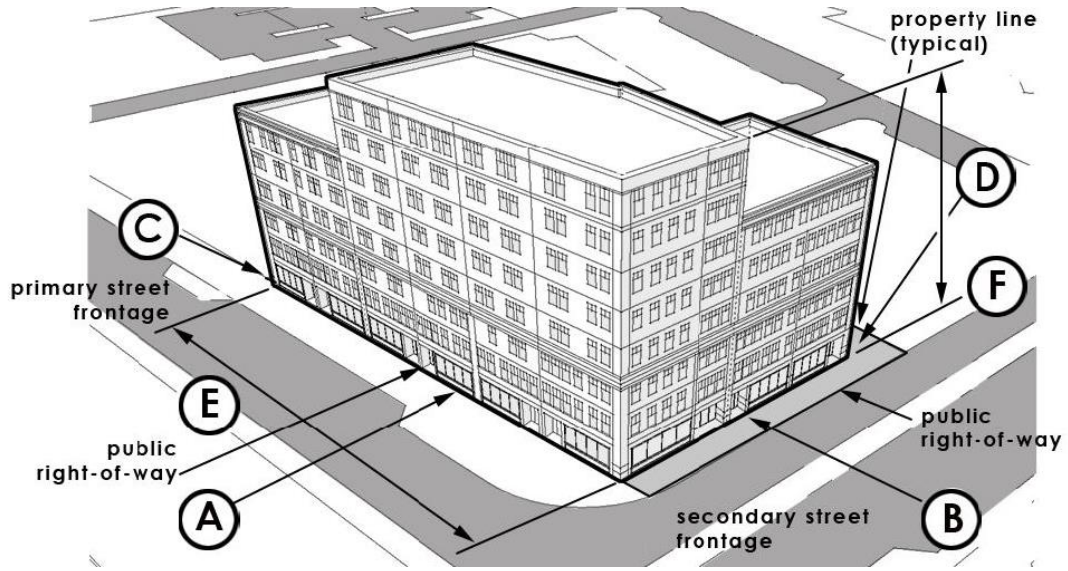
(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 69, 3-15-2021)

**Sec. 60-552.1. Building placement and configuration T-6.**



**Elevated Building Placement**



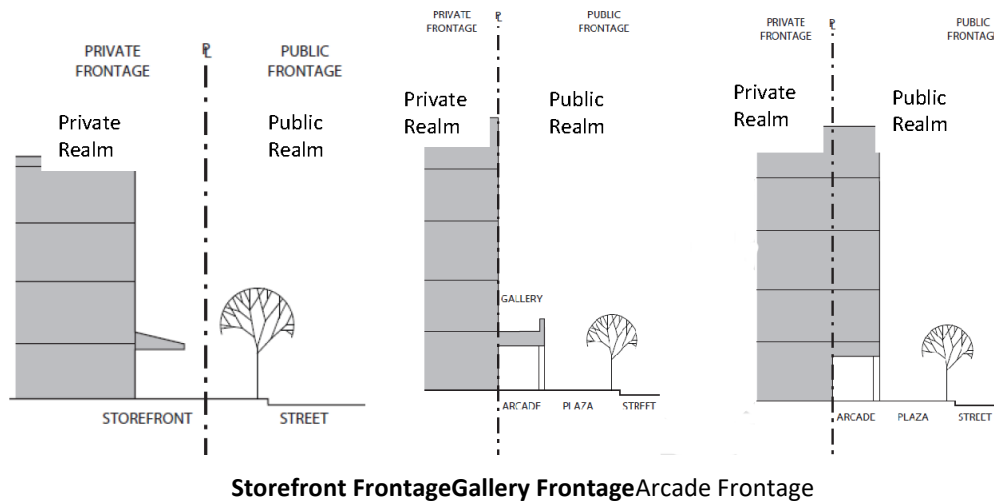


**Building Placement on Lot**

<b>PRINCIPAL BUILDING PLACEMENT:</b>		
Front Setback, Principal:	0 ft. Min., 10 ft. Max.	(A)
(Corner Lot) Front Setback, Secondary:	0 ft. Min., 10 ft. Max.	(B)
Side Setback:	0*—5 ft. Min. *Subject to Building Permit Approval	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	90% Max.	
Useable Open Space:	5% Min.	
Frontage Build-Out:	90% Min. (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 240 ft. Max	
<b>PRINCIPAL BUILDING CONFIGURATION:</b>		
Building Width:	14 ft. Min, 230 ft. Max.	(E)
Building Height Minimum:	4 Story Min.	(F)
Building Height Maximum:	8 Story Max. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

**Sec. 60-552.2. Building frontages T-6.**



<b>BUILDING FRONTAGE TYPES:</b>	Storefront, Gallery and Arcade
<b>BUILDING ENTRIES:</b>	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum 60% and maximum 90% coverage of the total ground story facade frontage.

Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation	Must be a minimum of the average sidewalk elevation and maximum of 2 feet.
Front Facade Wall:	Blank lengths of wall exceeding 15 linear feet are prohibited. Architectural jogs of up to 18 inches in depth are permitted.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 70, 3-15-2021)

**Sec. 60-552.3. External elements T-6.**

Street Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 18 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Required Street Wall Height:	A street wall a minimum of 4 feet and maximum of 6 feet shall be required along the building line frontage that is not otherwise occupied by the principal building on the lot. The height of the street wall shall be measured from the adjacent public sidewalk or from the adjacent ground elevation once construction is complete.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.
Stoop Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right-of-way.
Parking:	<u>Residential</u> - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.

(Ord. No. 04-03072016, 5-16-2016)

**Sec. 60-553. Conservation/Open Space C/OS.**

The conservation/open space district is reserved for natural resource and compatible open space uses such as agriculture and forestry, low-intensity recreation, facilities that provide water access and similar low impact uses. Uses that involve significant development or impervious surfaces should not be allowed in this district. Uses such as utility lines and roads may be located within the district if there is no practical alternative.

(Ord. No. 11-03012021, 3-15-2021; Ord. No. 30-06212021, 7-19-2021)

**Sec. 60-554. Form based code use and parking matrix.**

<b>Key:</b>	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU	Dwelling unit
=	

USE(1)	T-4.1	T-4.2B (4)	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS(2)
<b>Residential Use Type</b>							
Single family	P	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	P	1 sp/DU
Multi-family	P	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & breakfast < 4 rooms	S	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & breakfast > 4 rooms	S	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/child care facility	S	S	S	S	S	P	½ sp/employee plus 1 sp/8 users
Home occupation	P	P	P	P	P	P	Based on use type (ch. 60, art. IX)
Community based residential facilities	P	S	P	P	P	P	1 sp/employee plus 1 sp/client

Boarding house/ lodginghouse	P	S	P	P	S	X	1 sp/guestroom plus 1 sp/employee
<b>Office/Service</b>							
Professional offices	S	S	S	P	P	P	None
Medical and dental clinics	S	S	S	P	P	P	None
Personal services	S	S		P	P	P	None
<b>Retail Type Use</b>							
General retail	S	S	S	P	P	P	None
Age restricted retail(3)	S	X	S	S	S	S	None
Specialty shops	S	P	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		X	S	S	P	P	None
Halls, private clubs, indoor amusement	S	S	S	S	P	P	None
Artist studios, performing art center	S	S	S	P	P	P	None
<b>Civic</b>							
Church or places of worship	S	S	S	P	P	P	None
Government offices	X	S	X	P	P	P	None
Art galleries	S	P	P	P	P	P	None
Transportation facilities	X	X	X	S	S	S	None
Adaptive reuse of structures of community significance	S	S	S	S	S	S	None
Public safety services(5)	S	S	S	S	S	S	None
Government service(5)	S	S	S	S	S	S	None
Municipal or public utilities and communication facilities(5)	S	S	S	S	S	S	None
Municipal services	P	P	P	P	P	P	None
Detention facility(5)	X	X	X	X	S	X	None

**Notes:**

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- (1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.
  - (2) \* Parking requirements in T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 500 feet of the principal building, subject to planning board approval.
  - (3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.
  - (4) Office, service and retail uses limited to 1,500 SF footprint and must include a residential unit; no drive through businesses allowed.
  - (5) All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(6) For affordable developments, off-street parking requirements may not exceed 2 spaces for every 3 units.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021; Ord. No. 20-09062022, § 3, 9-19-2022; Ord. No. 02-02132023, 2-17-2023)

## **ARTICLE V. OFF-STREET PARKING AND LOADING**

### **Sec. 60-607. General provisions and design standards.**

Development of the parking and loading spaces required by this section is subject to the following general provisions and design standards:

- (1) There shall be provided, at the time of erection of any main building or structure or development of a site in its permitted use, the minimum number of off-street parking and loading spaces specified in the following subsections, within or without a structure. In calculating the spaces, any fractions shall be rounded to the nearest whole number.
- (2) Each individual parking space shall consist of an effective area of nine feet by 18 feet in dimension and shall be accessible to a public way, except for residential uses in Multifamily Urban Districts (MFU) containing five or more dwelling units. Such uses may develop tandem parking spaces but shall be limited to not more than two vehicles in depth.
- (3) Loading spaces shall have the following dimensions:
  - a. Buildings having a gross floor area of 10,000 square feet or less: 25-foot length, 20-foot width;
  - b. Buildings having a gross floor area of greater than 10,000 square feet: 50-foot length, ten-foot width. Each loading space shall have a vertical clearance of at least 14 feet. Required loading spaces shall not be counted as meeting part of the parking space requirements.
- (4) Interior driveways and ingress and egress points serving parking areas shall be at least 20 feet in width to allow safe and expeditious movement of vehicles. Ingress and egress points shall be separated wherever possible and so signed. Ingress and egress points for one-way vehicular movement only, may be reduced to not less than 14 feet for angle parking areas or 12 feet for perpendicular parking areas.
- (5) The required parking and/or loading spaces shall be provided on the same lot as the principal use, building or structure they are required to serve. For buildings other than dwellings, parking spaces may

- 
- be located not more than 300 feet there from should practical difficulties prevent their provision on the same lot.
- (6) No required parking area or driveways servicing the same shall be used for the sale, repair, dismantling or servicing of any vehicle, equipment, material, supplies or merchandise.
  - (7) On any residential property or in any residential district, outdoor off-street parking may include the parking or storage of not more than one unregistered or uninspected motor vehicle per lot. If a vehicle is both unregistered and uninspected, the vehicle must be stored within a building.
  - (8) In any residential district, off-street parking may include not more than one commercial vehicle per lot.
  - (9) In any residential district, no portion of the front yard space, other than the driveway, shall be utilized for off-street parking.
  - (10) Any parking or loading space serving a business or industrial use which abuts the side or rear lot line of a lot in a residential district or use shall be screened from said lot by a tight evergreen shrub hedge or similar landscaping, a fence, a solid wall or a combination of two or more of the foregoing. The screen landscaping, wall or fence shall be at least six feet high and may be extended no closer than 15 feet from the street line.
  - (11) Exterior lighting provided in any parking or loading area shall be arranged and shielded so that it is deflected away from adjacent properties used for residential purposes and from any public highway.
  - (12) All uses containing over five parking and/or loading spaces shall either contain such spaces within structures or be subject to the following requirements:
    - a. All access drives, parking, loading and service spaces shall be graded and surfaced with a solid paving material that is impermeable to water and so as to be dust free and properly drained. Materials which satisfy this criteria include but are not limited to: bituminous pavement, concrete, geotextiles and brick or cobblestone or other paving block provided that it is mortared.
    - b. Parking and loading spaces shall be suitably marked by painted lines or other appropriate markings.
    - c. A substantial bumper of concrete, masonry, steel or heavy timber or a curb of similar material or an earthen berm shall be placed at the head of each parking or loading stall that abuts a structure, rear or side setback or property line, sidewalk, street right-of-way, or landscaped area to prevent vehicles from rolling into such areas.
    - d. Where, in nonresidential districts, parking is planned to occupy a portion of the required front yard area, parking shall not be placed nearer than ten feet from the street right-of-way line. The area between the parking area and the street right-of-way line shall be landscaped.
  - (13) Parking and loading spaces shall be so arranged as not to require backing of vehicles onto any public street. No loading platforms or receiving doors shall be located on the street side of any retail store or other commercial building unless such platforms or receiving doors be located not less than 60 feet from the sideline of any street right-of-way lines.
  - (14) No portion of any entrance or exit driveway serving a residential use or building shall be closer than 50 feet from the nearest public street intersection unless prevented by dimensional or physical difficulties. No portion of any entrance or exit driveway serving a commercial or industrial use of building shall be closer than 100 feet from the nearest public street intersection unless prevented by dimensional or physical difficulties.
  - (15) On lots where one entrance and exit driveway or curb-cut is constructed, the curb-cut shall not exceed 32 feet in width. Where two or more driveways or curb-cuts are constructed, the curb cuts shall not exceed 20 feet in width. For automotive service stations, the curb cut widths may be increased to 32

feet for each driveway or access, but shall not exceed two driveways. These widths may be increased up to a maximum of 44 feet on arterial roads if required by the city engineering department or the state department of transportation.

- (16) A parking lot cluster containing more than 80 stalls shall contain landscaped areas within the perimeter of the overall lot, in the form of landscaped perimeter and islands.
- (17) For those developments subject to site plan review (division 2 of article XVI of this chapter) the relaxation of the requirements of this section shall be reviewed by the planning board.
- (18) Required off-street parking in the Form Based Code areas for lots which cannot provide their own parking because of location, lot size or existing development may be substituted by parking facilities which, in the public's interest may be provided for by the municipality or private parking resources. No such public or private off-street parking shall be considered as a substitute unless located within 1,000 feet of the principal building or use as measured along lines of public access.
- (19) In calculating the required number of off-street parking spaces, the gross leasable area shall be used.

(Ord. of 9-21-2009, § 4.1A; Ord. No. 0403212016, 4-4-2016; Ord. No. 11-03012021, §§ 39, 71, 3-15-2021)

**Sec. 60-608. Parking requirements.**

A minimum number of off-street parking spaces shall be provided with each residential use permitted, erected, altered or changed, in accordance with the following standards:

Off-street land use	Minimum number of parking spaces
Residential	
Single-family; farm	1 dwelling per unit
Multifamily; two-family	1 dwelling per unit
Elderly**	One-half per dwelling unit
<a href="#">Affordable housing developments pursuant to 30-A MRSA §4364 (L.D. 2003 Public Law).</a>	<a href="#">Off-street parking requirement may not exceed 2 spaces for every 3 units.</a>
**Applies to elderly housing as constructed under special local, state or federal guidelines restricting occupancy to elderly persons.	

(Ord. of 9-21-2009, § 4.1B; Ord. No. 28-06212021, 7-19-2021)

**Sec. 60-609. Off-street loading space requirements.**

Loading and unloading from a public street is prohibited except in permitted loading and unloading areas. Each building hereafter erected and every use hereafter established in an existing building or area shall be provided with a minimum number of loading space located at the rear of the building as follows:

Land Use	Minimum Number of Off-Street Loading Spaces
All uses under 5,000 square feet of gross floor area	No minimum
All buildings	Sufficient provisions to eliminate all loading on the street pursuant to normal economic activity
Retail trade, manufacturing and hospital establishment with over 5,000 square feet of gross floor area	One per 20,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 60,000 square feet or fraction thereof of gross floor area over 40,000 square feet used for



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	ambulance receiving at a hospital is not to be used to meet these loading requirements
Business services, other services, community facilities (schools, church, municipal building, recreation, etc.) or public utility establishment with over 5,000 square feet of gross floor area	One per 75,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 20,000 square feet or fraction thereof of gross floor area over 150,000 square feet

(Ord. of 9-21-2009, § 4.1C; Ord. No. 11-03012021, § 72, 3-15-2021)

**Secs. 60-610—60-636. Reserved.**