

FIRST DRAFT  
ZONING ORDINANCE

Auburn, Maine

April, 1958

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Proposed Auburn Zoning Ordinance

SECTION 1: PURPOSES

For the purposes set forth in Maine General Laws Chapter                      and all acts in amendment thereof and in addition thereto and under the authority thereof and of any other enabling laws, the inspection, materials, construction, alteration and repair, height, area, location and use of buildings and structures and the use of land throughout the City of Auburn are hereby regulated as herein provided, and the City is hereby divided into districts as hereinafter designated, defined and described, and shown on an official copy of the zoning map, Dated April, 1958, as amended, on file with the City Clerk, which map is hereby made a part of this Ordinance.

## SECTION 2: DEFINITIONS

For the purposes of this Ordinance, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

- 2.1 Family. Any number of individuals living together in one suite of rooms as a single housekeeping unit, and having one principal cooking and food storage outfit in common among them in such suite.
- 2.2 One-Family Dwelling. A dwelling built singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family..
- 2.3 Two-Family Dwelling. A free standing building intended and designed to be occupied and used exclusively for residential purposes by each of not more than two families.
- 2.4 Lot. An area of land in one ownership with definite boundaries ascertainable by recorded deed or plan and used or set aside and available for use as the site of one or more buildings or for any other definite purpose.
- 2.5 Street. A public way, or a private way open to travel by the general public, or a way shown on a plan of a subdivision duly approved by the Planning Board.
- 2.6 Building. The word "building" shall include the word "structure," unless the context unequivocally indicates otherwise.

# INDEX TO PROPOSED AUBURN ZONING ORDINANCE

	<u>Page No.</u>
Section 1: Purposes	1
Section 2: Definitions	2, 3
Section 3: Zoning Districts and Boundaries	
3.3 Farming Districts	3 A
3.4 Forest Districts	
3.5 Country Residence Districts	
3.6 Village Residence Districts	
3.7 Village Business Districts	
3.8 Central Business Districts	
3.9 Industrial Districts	
Section 4: Buildings and Uses Permitted and Application of Regulations in	
4.1 Forest Districts	4
4.2 All Residence Districts	5
4.3 Village Business Districts	5, 6, 7
4.4 Central Business Districts	7
4.5 Industrial Districts	8, 9
	10
Section 5: Earth Materials Removal Regulations	11, 12, 13, 14
Section 6: Lot Areas and Lot Widths	15
6.3 All Residence and Forest Districts	16
6.4 All Business Districts	16
6.5 Industrial Districts	17
6.6 Exceptions	17
Section 7: Yard Spaces Required	
7.2, 7.2 Residence Districts	18
7.3 Business Districts	18
7.4 Industrial Districts	18
Section 8: Building Heights Permitted	19
Section 9: Board of Appeals, Its Powers & Duties	20
Section 10: Zoning Amendments	21
Section 11: Enforcement	22
Section 12: Conflict of Laws, Validity, Severability	23

- 2.7 Erected. The word "erected" shall include the words "built," "constructed," "reconstructed," "altered," "enlarged," and "moved."
- 2.8 Story. That portion of a building contained between any floor and the floor or roof next above it, but not including the lowest portion so contained if more than one-half of such portion vertically is below the mean finished grade of the ground adjoining such building.
- 2.9 Half Story. A story directly under a sloping roof in which the points of intersection of the bottom of the rafters with the interior faces of the walls are less than three feet above the floor level.
- 2.10 Front Yard. An open space extending across the entire width of a lot along its street frontage line from lot sideline to lot sideline and extending between the line of the street and the adjacent exterior of the building on such lot nearest said street frontage line.
- 2.11 Rear Yard. An open space extending across the entire width of a lot from sideline to sideline between the rear line of such lot and the adjacent exterior of the building on such lot nearest said rear line.
- 2.12 Side Yard. An open space extending along the side of a lot between the front yard and the rear yard on such lot and extending between the sideline of such lot and the adjacent exterior of the building on such lot nearest said sideline.

SECTION 3: ZONING DISTRICTS AND BOUNDARIES

- 3.1 The City of Auburn is hereby divided into zoning districts designated as follows:

FOREST DISTRICTS

FARMING DISTRICTS

COUNTRY RESIDENCE DISTRICTS

VILLAGE RESIDENCE DISTRICTS

VILLAGE BUSINESS DISTRICTS

CENTRAL BUSINESS DISTRICTS

INDUSTRIAL DISTRICTS

- 3.2 In the event of any discrepancy between the boundaries of the zoning districts as shown on the official map and as hereinafter described or defined, the descriptions hereinafter set forth shall govern, as amended.

- 3.3 Farming Districts Every part of the City of Auburn not otherwise hereinafter designated Forest, Country Residence, Village Residence, Village Business, Central Business or Industrial District is hereby expressly declared to be in Farming Districts.

- 3.4 Forest Districts

SECTION 4: BUILDINGS AND USES PERMITTED,  
AND APPLICATION OF REGULATIONS

- 4.01 In the zoning districts above specified and described, the following designated buildings and alterations and extensions thereof and buildings accessory thereto and the following designated uses of land, buildings, or parts thereof and use accessory thereto are permitted. All other buildings and uses are hereby expressly prohibited, except those already lawfully existing which by the operation of this provision would hereby become lawfully non-conforming.
- 4.02 When a lot in one ownership is situated in part in the City of Auburn and in part in an adjacent town or city, the provisions, regulation and restrictions of this ordinance shall be applied to that portion of such lot as lies in the City of Auburn in the same manner as if the entire lot were situated therein.
- 4.03 When a zoning district boundary divides a lot in one ownership, all the zoning regulations set forth in this zoning ordinance applying to the greater part by area of such lot so divided may also be deemed to apply and govern at and beyond such zoning district boundary but only to an extent not more than thirty (30) linear feet in depth (at a right angle to such boundary) into the lesser part by area of such lot so divided.
- 4.04 Any lawfully non-conforming building or structure and any lawfully non-conforming use of building or land may be continued in the same kind and manner and to the same extent as at the time it became lawfully non-conforming, but such building or use shall not at any time be changed, extended or enlarged except for a purpose permitted in the zoning district in which such building or use is situated, or except as may be permitted otherwise by the Auburn Board of Appeals.
- 4.05 If any lawfully non-conforming building or use of a building or land be at any time discontinued for a period of one year or more, or if such use of building be changed to one conforming with the Auburn Zoning Ordinance in the district in which it is located, it shall hereafter continue to conform.

- 4.06 Any non-conforming building or structure destroyed or damaged by fire, flood, lightning, wind or otherwise to the extent of sixty-five (65%) per cent or more of its reproduction cost at the time of such damage shall not be rebuilt, repaired, reconstructed nor altered except for a purpose permitted in the zoning district in which such a building is located, or except as may be permitted otherwise by the Auburn Board of Appeals.
- 4.1 In Forest Districts, woodlands, pastures and fields, tool and vehicle storage buildings, and forest roads.
- 4.2 In All Residence Districts
- 4.21 Woodlands, farming as further specified below, single, duplex or two-family residences and gardens, provided there be not more than one residential structure per lot.
- 4.22 Renting rooms for dwelling purposes or furnishing table board to not more than four persons not members of the family resident in a dwelling so used, provided there be no display or advertising on such dwelling or its lot, and further provided that no dwelling shall be erected or altered primarily for such use.
- 4.23 Customary home occupations, provided there be no display and no exterior advertising and provided that in any dwelling such customary home occupations shall be carried on only by the residents of such dwelling, aided by not more than three additional persons not resident therein.
- 4.24 Schools, libraries, museums, churches, hospitals, and convalescent and rest homes, municipal uses and, if permitted by the Board of Appeals, radio, radar, television or radio-telephone transmitting or broadcasting towers but not their studios nor offices.

- 4.25 (a) Farming of field crops and row crops; truck gardens, orchards, plant nurseries, greenhouses and as provided in the two subparagraphs immediately following, dairy farms, stud farms, poultry farms and farms for fur-bearing animals;
- (b) The keeping on any lot in any residence or forest district of a total of not more than three (3) of any kind or assortment of animals, also not more than three of any kind or assortment of birds, over and above the household pets of the family living on such lot, but not the keeping of any animals or birds or pets of persons other than those resident on such lot, except as further provided in the subparagraph next below;
- (c) On any lot of not less than two (2) acres area and situated in a not thickly settled part of a Farming, a Country Residence, a Village Residence or an Industrial District, but only on such lots in such parts of such districts, veterinarians and others may keep more than three (3) animals or birds not necessarily owned by the persons resident on such lot, provided that on such lots there be no slaughtering, packing or processing of meat, entrails, organs, skins, hides, pelts, fur, feathers or bones except of poultry grown or raised on the premises where slaughtered if such premises be on a lot of not less than two (2) acres area, situated in a not thickly settled part of any of said districts and further provided that animal hospitals, kennels, poultry farms, dairy farms, riding stables and all other places for keeping large numbers of animals or birds are specifically prohibited in all thickly settled parts of all Residence Districts, regardless of lot size.
- 4.26 Signs advertising the sale, rental, construction or improvement of residential premises or the sale of farm products produced on the premises provided such sign be placed on the property to which it relates and provided the dimensions of such sign shall not subtend more than six (6) sq. ft. sign board area, or if no signboard, six (6) sq. ft. display area.

- 4.27 Any accessory use customarily incident to any of the above permitted uses, provided that such accessory use shall be not injurious, noxious, or offensive to the neighborhood.
- 4.28 On any lot in any Residence District, garaging or off-street parking, covered or open, of not more than four motor vehicles, of which not more than one may be a commercial vehicle and such vehicle shall be not more than pounds gross vehicle weight, the foregoing shall not limit the number of town, county or state public service vehicles so parked, and shall not limit the number of farm trucks nor of motor-powered agricultural implements of any agriculturally active farm, orchard, or nursery when parked within the property boundaries of the farm for which they are owned, or of the farm where such trucks or implements are at work.
- 4.3 In Village Business Districts
- 4.31 Stores not exceeding fifteen hundred (1500) square feet floor area per store for the retail sale of food, drugs, and other articles or commodities for use and consumption in neighboring households. No Village Business Districts shall be more than three (3) acres total land area, including off-street automobile parking spaces. In addition there may be permitted in Village Business Districts, an automobile lubricating and gasoline filling station but only on petition, subject to site plan review and approval by the Planning Board after public hearing thereon with due notice given. Automobile repair garages and automobile sales places shall not be permitted in Village Business Districts.
- 4.32 No loading platforms or receiving doors shall be located on the street side of any retail store or other commercial building in Village Business Districts.
- 4.33 Dwellings, subject to the same lot size yard space and all other restrictions and conditions as would apply if such dwellings were located in Residence Districts, also churches, schools, libraries, museums, local passenger stations and municipal or other public or civic buildings.
- 4.34 Signs in Village Business Districts shall be only those permitted under the regulation for signs in Central Business Districts. (subparagraph 4.46 hereunder)

#### 4.4 In Central Business Districts

- 4.41 Retail stores and wholesale stores, salesrooms, showrooms or places for any professional, artistic or mercantile activity not involving large-scale manufacturing on the premises, except that retail bakeries or retail confectioneries in which not more than five persons are engaged in the manufacture and sale on the premises of the bakery or confectionery goods there produced, including ice cream, shall be permitted.
- 4.42 Banks, business offices, professional offices, governmental offices, and municipal, civic or public service buildings such as post office, telephone exchange, school, library, museum, church.
- 4.43 Hall, club, theatre or other place of amusement or assembly.
- 4.44 Automobile service and filling stations, automobile repair garages including automobile body repairs and painting, and automobile sale agencies for new and used cars provided there be not displayed or stored outdoors on such premises more than twenty-five (25) automobiles or other vehicles.
- 4.45 Restaurant, dining room or lunch room.
- 4.46 (a) Signs in Business Districts shall relate to the premises on which they are located and shall only identify the occupant of such premises or advertise the nature of the occupancy or of the products or services available within said premises.
- (b) Sign on building. On each premises in Business Districts there is permitted not more than one sign on the exterior of a building for each occupancy therein. Each such permitted sign shall be attached to a permitted building, and the top edge of such sign shall not be higher than the roof ridge of such building (the highest point of the roof if no ridge pole) nor higher than the plate if a flat roof, nor higher than the top of parapet, if any.

#### 4.5 In Industrial Districts

- 4.51 Any manufacturing, processing, wholesaling, warehousing or other commercial non-retail activity employing substantially noiseless and inoffensive motive power, and involving quiet machinery and processes, and free from neighborhood disturbing odors or agencies, and uses of land and of buildings customarily accessory to such activity including the business office of such activity, provided that the applicant for a permit to build, expand or alter any manufacturing industry or other permitted activity or, any activity accessory thereto shall show by written statements or other exhibits attached to the application for such permit that the activity proposed will not be noxious, offensive or detrimental to the neighborhood or to the City by reason of special danger of fire or explosion, pollution of water ways, emission of corrosive, toxic or noisome fumes, gas, smoke, soot, obnoxious dust, disagreeable odors, offensive noises or other objectionable characteristics.
- 4.52 Farming and accessory activities as specified in sub-paragraph 4.25, also farm dwellings on premises actively farmed, but not other dwellings.
- 4.53 Premises of a bank, post office, telephone exchange, or telephone business office, local bus passenger station, airport, and governmental buildings.
- 4.54 Signs in Industrial Districts shall be of the same nature and dimensions and location as in Business Districts and shall be covered by the provisions of subparagraph 4.46 of this Ordinance.
- 4.55 On petition, subject to site plan review and approval by the Planning Board after a public hearing thereon with due notice given, an automobile service and filling station, a motel, a diner, a restaurant, a retail food store, but not other retail stores of any kind.
- 4.56 Expressly prohibited in industrial districts are automobile junk yards, automobile outdoor dead storage yards and automobile outdoor display yards.

## 4.46 (Continued)

- (c) Free-standing sign. There is permitted not more than one free-standing sign on the combined ownerships of any owner adjoining one another on the same side of any street. The top edge of any free-standing sign in Business Districts shall be not higher than twenty-five (25) feet vertical measure above the average level of the ground between the supports of such sign, and for traffic safety, the whole of the signboard or display elements of any free-standing sign shall be either below three feet height or above (10) ten feet height above said average ground level. Any such permitted free-standing sign may be located within the front yard space required on such lot, but not nearer than twelve (12) feet to either of the lot side lines.
- (d) No free-standing sign shall be of dimensions exceeding one hundred (100) square feet gross area of signboard, or, if no signboard, one hundred (100) square feet gross display area measuring from the tops of the topmost display elements to the bottom of the lowest display elements, including in such measurements any blank space between display elements.

4.47 No loading platforms or receiving doors shall be located on the street side of any retail store or other commercial building in a Central Business District, except gasoline filling stations.

4.48 Dwellings, subject to the same lot size, yard space, building height and all other restrictions and conditions as would apply if such dwellings were located in a Village Residence District, also churches, schools, libraries, museums, local passenger stations and municipal or other public or civic buildings.

## SECTION 5: EARTH MATERIALS REMOVAL REGULATIONS

5.1 Removal Permit, Application, Hearing & Notice

- 5.11 The removal of sod, loam, soil, clay, sand, borrow, gravel or stone from any land in the City of Auburn not in public use is hereby prohibited except such removal as may be authorized in any zoning district by a permit issued by the Planning Board and except such removal or transferral as is permitted under sub-paragraphs 5.31 to 5.34 of this ordinance.
- 5.12 The Planning Board in granting any such permit may impose any reasonable conditions tending to protect health, safety and welfare, and such conditions may include without limiting the generality of the foregoing limitation of any such removal to be so permitted in all or any of the following respects:
- (a) extent of time,
  - (b) area and depth of excavation,
  - (c) steepness of slopes excavated,
  - (d) distance between edge of excavation and neighboring properties or ways,
  - (e) temporary or permanent drainage in a manner to be approved by the City Engineer,
  - (f) the posting of security or bond in a dollar amount to be determined by the Planning Board on the advice of the City Engineer.
  - (g) the replacement of not less than six (6) inches of top-soil over the whole of any area from which earth materials are removed where the location of such removal is afterward to become a residential subdivision, or,
  - (h) in the case of continuing clay-pit or sand or gravel pit operations in one general locus, but not in the case of continuing cut-stone or of continuing crushed rock removal operations at one general locus, recovering the finished cut banks with a minimum of four (4) inches of top-soil;

5.1 Removal Permit, Application, Hearing & Notice (Cont'd)

5.13 No such permit shall be issued except upon written application therefor to the Planning Board nor until after a public hearing by the Planning Board on such application.

5.14 Such application shall include a diagram to scale of the land concerned, indicating existing and proposed elevations in the area to be excavated and stating the ownership and boundaries of the land for which such permit is sought, the names of all adjoining owners as found in the most recent tax list and the approximate locations of existing public and private ways nearest such land.

5.15 Notice of said public hearing shall be given by publication in a newspaper published in or of general circulation in Auburn twelve (12) days at least before the date of such hearing.

5.2 Permit or Denial Promptly Mailed

A copy of any permit granted hereunder by the Planning Board stating all of the conditions imposed, if any, or a copy of the denial by the Planning Board of any such application, stating the reasons for such denial, shall be mailed forthwith by the Board to the parties in interest and to the Building Inspector.

### 5.3 Earth Removal Exceptions

- 5.31 The foregoing regulations shall be deemed not to prohibit such removal of sod, loam, soil, clay, sand, borrow, gravel or stone as may be incidental to any lawfully permitted use of land or of a building or incidental to and necessitated by any building construction for which a building permit has lawfully been issued under the Auburn Zoning Ordinance prior to such earth materials removal, provided written notice shall be given by certified mail to the Planning Board and to the Building Inspector not less than five days in advance of each such removal, stating by street address or other specific identification the locus at which such removal is intended and stating the general nature and extent of the intended removal, and setting forth the lawful use of land or building necessitating such removal, and, if for building construction, the date of the building permit therefor. One copy of each such notice shall be posted at the earth materials removal locus.
- 5.32 The foregoing regulations shall also be deemed not to prohibit the removal of such earth materials as may be necessitated in the construction or installation of utilities or other engineering works for public service, or as may be necessitated in constructing ways, provided the layout lines and grades of such ways have been duly approved by the Planning Board prior to such removal.
- 5.33 The foregoing regulations shall also be deemed to prohibit removal but not to prohibit grading or transferring any of said materials from one part of a lot, tract or parcel of land to another part of the same lot, tract or parcel of land in the ~~other~~ same ownership, without notice to the Planning Board or to the Building Inspector.

5.3 Earth Removal Exceptions (Cont'd)

- 5.34 The foregoing regulations shall further be deemed not to prohibit the removal without notice to, application to or permit from the Planning Board of any or all of the above specified earth materials by any person, firm or corporation who on the effective date of this ordinance was lawfully engaged in removing any of such materials from land in Auburn at a rate not less than 5,000 tons per annum.
- 5.35 The foregoing regulations shall also be deemed not to prohibit the removal of any or all of the above specified earth materials by any person, firm or corporation who on the effective date of this ordinance shall be lawfully engaged in the business of dealing in or with any of such materials, or shall be a party to any agreement for the removal of any thereof, regardless of the annual average rate of any such removal, provided such person, firm or corporation shall, within 30 days after such effective date, apply to the Planning Board for a permit for such removal, and further provided that the time within which such removal may be carried on under this paragraph without a permit shall end on the date of formal action by the Board on such application, or, if no such application shall have been filed, on the thirtieth day after the effective date of this ordinance.

SECTION 6: LOT AREAS AND LOT WIDTHS REQUIRED,  
ALSO SPECIFIC EXCEPTIONS

- 6.1 In determining the fulfillment of the minimum area of lot required in any zoning district, there shall not be included any land within the exterior lines of a street upon which such lot abuts, even if the fee to such street is in the owner of the lot, except that if a lot at a street corner is bounded in part by a curved exterior street line not more than ~~seventy-five~~ (75) 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 such potentially intersecting lines were so extended; but if such curved line is more than ~~seventy-five~~ (75) feet in length, the minimum area required in such lot shall be measured and computed entirely within the lines bounding such lot.
- 6.2 No lot, upon which is then located any building or with respect to which a permit has been issued and is then outstanding for the erection of any building, shall be sub-divided or reduced in area in any manner unless said lot shall thereafter fulfill the lot area, lot width and yard space requirements of this ordinance. If land be sub-divided, conveyed, devised or otherwise transferred in violation hereof, no building permit or other permit shall be issued with reference to any of the land so transferred or to the lot(s) retained until all of such land or lots fulfill the zoning requirements. Any land taken by eminent domain, or conveyed for a public purpose for which the land could have been or was taken by eminent domain, shall not be deemed to be transferred in violation of this provision.

### 6.3 In Residence and Forest Districts

- 6.31 In Village Residence Districts no principal permitted building shall hereafter be erected except on a lot containing not less than twenty-two thousand five hundred (22,500) square feet area and not less than one hundred twenty-five (125) feet width at the street frontage, except as may be permitted otherwise by the Board of Appeals in Village Residence Districts as further specified in Section 6.6 below.
- 6.32 In Country Residence Districts no principal permitted building shall hereafter be erected except on a lot containing not less than forty-five thousand (45,000) square feet area and not less than one hundred fifty (150) feet width at the street frontage.
- 6.33 In Farming Districts no principal permitted building shall hereafter be erected except on a lot containing not less than ninety-thousand (90,000) square feet area and not less than two hundred (200) feet width at the street frontage.
- 6.34 In Forest Districts no permitted building shall hereafter be erected except on a lot containing not less than one hundred eighty thousand (180,000) square feet area and not less than three hundred (300) feet width at the street frontage, and no lands in a Forest District shall hereafter be divided for sale, lease, rental or gift, except into lots each not smaller than above provided.

### 6.4 In Business Districts

- 6.41 Each new lot hereafter created shall contain not less than twenty-two thousand five hundred (22,500) square feet area and be not less than one hundred twenty-five (125) feet width at the street frontage, and not more than thirty (30) per cent of the total area of any such lot may be covered by building.
- 6.42 Any yard space or area required to be kept open and unbuilt upon on such lot may nevertheless be used for off-street automobile parking, if otherwise lawful, except that a green strip not less than ten (10) feet wide on which to grow grass, bushes, flowers or trees shall be maintained open and green; unbuilt on, unpaved and not parked on, all along each side or rear property line of such a lot wherever it abuts land residentially zoned.

## 6.5 In Industrial Districts

- 6.51 Each new lot hereafter created shall contain not less than ninety-thousand (90,000) square feet area and be of not less than two hundred (200) feet width at the street frontage and not more than twenty-five (25) per cent of the total area of any such lot may be covered by buildings.
- 6.52 Any yard space or area required to be kept open and unbuilt on on such lot may nevertheless, if otherwise lawful, be used for off-street automobile parking, or for outdoor storage of articles, supplies and materials, except that a green strip not less than thirty (30) feet wide on which to grow grass, bushes, flowers or trees, shall be maintained open and green, unbuilt on, unpaved and not parked on, all along each side or rear property line of such a lot wherever it abuts land residentially zoned.

## 6.6 Lot Area and Lot Width Exceptions

- 6.61 The lot area and lot width requirements of paragraph 6.3 shall not apply to any lot in any Residence District containing less area or of less width than above required if such lot was lawfully laid out and duly recorded by plan or deed prior to the effective date of this ordinance, provided that the front yard, side yard and rear yard requirements, if any, in effect on the date of recording of such plan or deed shall apply to each such lot.

## SECTION 7: YARD SPACES REQUIRED

- 7.1 In all Residence Districts there shall be provided on each lot open yard spaces of not less than the number of feet depth below stated all along the front, rear and each side property line of such lot, except as may be permitted otherwise by the Board of Appeals in Village Residence Districts only and only in cases therein where the literal enforcement of the number of feet yard depth stated below as to one or more of such yard spaces would cause unusual hardship or severe practical difficulty peculiar to the placement of a building on such lot but not on other lots adjoining or nearby within the same Village Residence Zoning District.
- 7.2 No building or structure shall hereafter be erected, altered or moved so that any part thereof (except eaves, steps or uncovered porches) shall be nearer than twenty-five (25) feet from the front line or rear line of any lot in any in any Residence District, or nearer than fifteen (15) feet from either sideline of any lot in any such district.
- 7.3 In Business Districts there shall be provided on each lot an open yard space of not less than twenty-five (25) feet depth all along the front and along each side property line of such lot except as may be permitted otherwise by the Board of Appeals as to front yards and side yards (but not rear yards) on petition of the property owner concerned after a public hearing with due notice given. In the rear of every building or structure hereafter erected in any Business District there shall be an open yard space unbuilt upon of not less than thirty-five (35) feet depth. No building or structure shall hereafter be built, altered, moved, reconstructed, or extended so that any part thereof including loading platforms, covered or open, but not eaves, or steps, shall be nearer than twenty-five (25) feet from the front line or side line of any lot in such district, nor nearer than thirty-five (35) feet from the rear line of such lot.
- 7.4 In Industrial Districts there shall be provided on each lot an open yard space of not less than thirty-five (35) feet depth all along the front line and along each side line of such lot, and not less than fifty (50) feet depth along the rear line of such lot, except that an open yard space of not less than fifty (50) feet depth shall be provided on any lot in an Industrial District wherever such lot abuts land residentially zoned.

## SECTION 8: BUILDING HEIGHTS PERMITTED

- 8.1 In Residence Districts dwellings shall not exceed two and one-half stories or thirty-five (35) feet in height.
- 8.2 In Business Districts, business and other retail or commercial structures shall not exceed three stories or forty-five (45) feet in height, and dwellings in Business Districts shall not exceed two and one-half stories or thirty-five (35) feet in height.
- 8.3 In Industrial Districts buildings shall not exceed forty-five (45) feet in height.
- 8.4 The foregoing limitations of height in feet in the zoning districts designated shall apply to all farm dwellings but shall not apply to other farm buildings on farms of not less than three acres nor shall such limitations apply to chimneys, ventilators, skylights, tanks, bulkheads, pent-houses, processing towers and other accessory structural features usually erected at a height greater than the main roofs of any buildings, nor to domes, bell towers, or spires of churches or other buildings, provided all such features are in no way used for dwelling purposes.

## SECTION 9: BOARD OF APPEALS, ITS POWERS AND DUTIES

- 9.1 There shall be a Board of Appeals of five members and not more than three Associate Members, which shall have and exercise all the powers provided under Maine General Laws, Chapter , as amended, Said Board shall hear and decide all matters specifically referred to it by the Auburn Zoning Ordinance and all other matters referred to said Board by statute. The Board of Appeals' Members and Associate Members shall be appointed in the manner provided by statute.
- 9.2 On each appeal arising under the Auburn Zoning Ordinance, the Board of Appeals shall hold a public hearing of which notice shall be given by publication in a newspaper of general circulation in Auburn twelve (12) days at least before the date of such hearing. The Board shall also notify by certified mail all owners of property within three hundred (300) feet of the boundaries of each lot or lots involved and such other persons as the Board may deem affected or interested. Such notices shall be mailed to such owners at the addresses appearing for them in the most recent tax listing of said owners.

SECTION 10: ZONING AMENDMENTS

- 10.1 The Planning Board, on its own initiative, or on petition signed by not less than twenty-five (25) Auburn registered voters, shall hold a public hearing on any written proposal to amend the Zoning Ordinance or the zoning map and shall report such hearing and the recommendations of the Board thereon to the Auburn City Council.
- 10.2 Each proposal to change the zoning map shall be made in writing and shall explicitly state the nature, extent and location of the map change proposed and shall be accompanied by:
- (a) Three blackline prints of a diagram to scale showing and stating clearly the dimensions in feet of the land area proposed to be changed as to zone,
  - (b) also a sketch or other explicit identification of the location of such land in relation to the majority of the rest of the neighborhood.
- 10.3 Notice of the aforesaid public hearing on a zoning amendment shall be given by publication in a newspaper published in or of general circulation in Auburn twelve (12) days at least before the date of such hearing and by mailing copies of such notice as published to such parties as the Planning Board may deem interested, at the addresses of said parties in the most recent Auburn real estate tax records.

## SECTION 11: ENFORCEMENT

- 11.1 The Auburn Zoning Ordinance shall be enforced by the Auburn Building Inspector and by the Auburn Police who for the purposes of such enforcement shall be deemed to be agents of the Building Inspector. The Building Inspector or the Police on request by any municipal official on their own initiative, or upon being informed in writing of a possible violation of the zoning ordinance, shall make or cause to be made an investigation of facts and an inspection of the premises where such violation may exist. On evidence of any violation, after investigation and inspection, written notice of such violation shall be mailed or given to the owner and to the occupant of such premises by the office of the Building Inspector with a demand in such notice that such violation be abated within such reasonable time as may be designated in said notice of violation. Such notice and demand may be personally delivered; if mailed, such notice and demand shall be sent by certified or registered mail addressed to the owner at the address appearing for him on the most recent real estate tax records of the City of Auburn and to the occupant at the address of the premises of such seeming violation.
- 11.2 If, after such notice and demand, such violation has not been abated within the time specified, the Building Inspector, the Police Chief, or the City Manager shall institute appropriate action or proceedings in the name of the City of Auburn to prevent, correct, restrain or abate any violation of this Ordinance.
- 11.3 No building shall be erected, altered or moved in Auburn without a written permit issued by the Building Inspector. Such permits shall be applied for in writing to the Building Inspector, and he shall not approve an application for a building permit unless the plans for such building and the intended use thereof in all respects fulfill the provision of this Ordinance.
- 11.4 Each application for a permit to build, alter, or move a building shall be accompanied by a plot plan in duplicate drawn to scale showing and stating the dimensions in feet of the lot on which such building is proposed to be erected, altered or moved, also the location and ground coverage dimensions of any building already existing upon such lot, and the location thereon and ground coverage dimensions on such lot of any building or structure proposed to be erected or moved onto it. Such plot plan shall also show each street, alley or right-of-way on or adjacent to the lot in question. One copy of each such application and plot plan shall be kept on file in the office of the Building Inspector.

SECTION 12: CONFLICT OF LAWS  
VALIDITY, SEVERABILITY

- 12.1 In general this Ordinance is supplementary to other Auburn ordinances affecting the use, height, area, and location of buildings and structures and the use of premises. Where this ordinance imposes a greater restriction upon the use, height, area and location of buildings and structures and the use of premises than is imposed by other ordinances the provisions of this ordinance shall control.
- 12.2 The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.