

ZONING ORDINANCE

CITY OF AUBURN

MAINE

OFFICIAL RECORDING
BOARD CORRESPONDENCE
NO. 6 (41371)

JANUARY 1971

AUBURN ZONING ORDINANCE

TABLE OF CONTENTS

ARTICLE 1:	Preamble
ARTICLE 2:	Zoning Ordinance <ul style="list-style-type: none">A. PurposeB. Establishment of ZonesC. Zoning MapD. ConformityE. Non-ConfirmityF. Conflict of Laws, Validity, Severabil.G. Zoning Amendments
Article 3:	Definitions
Article 4:	Administration
Article 5:	Board of Appeals
Article 6:	Flood Plain Districts <ul style="list-style-type: none">A. PurposeB. Permitted UsesC. ExceptionsD. Lot SizeE. Yard SizeF. Building HeightsG. Offstreet Parking & Loading
Article 7:	Forest, Farming and Conservation Districts <ul style="list-style-type: none">A. PurposeB. Permitted UsesC. ExceptionsD. Lot SizeE. Yard SizeF. Building HeightsG. Offstreet Parking & Loading
Article 8:	Rural Residence Districts <ul style="list-style-type: none">A. PurposeB. Permitted UsesC. ExceptionsD. Lot SizeE. Yard SizeF. Building HeightsG. Offstreet Parking & Loading
Article 9:	Suburban Residence Districts <ul style="list-style-type: none">A. PurposeB. Permitted UsesC. ExceptionsD. Lot SizeE. Yard SizeF. Building HeightsG. Offstreet Parking & Loading

- Article 10: Urban One Family Districts
 - A. Purpose
 - B. Permitted Uses
 - C. Exceptions
 - D. Lot Size
 - E. Yard Size
 - F. Building Heights
 - G. Offstreet Parking & Loading
- Article 11: Urban General Residence Districts
 - A. Purpose
 - B. Permitted Uses
 - C. Exceptions
 - D. Lot Size
 - E. Yard Size
 - F. Building Heights
 - G. Offstreet Parking & Loading
- Article 12: Neighborhood Business Districts
 - A. Purpose
 - B. Permitted Uses
 - C. Exceptions
 - D. Lot Size
 - E. Yard Size
 - F. Building Heights
 - G. Offstreet Parking and Loading
- Article 13: General Business Districts
 - A. Purpose
 - B. Permitted Uses
 - C. Exceptions
 - D. Lot Size
 - E. Yard Size
 - F. Building Heights
 - G. Offstreet Parking & Loading
- Article 14: Industrial Districts
 - A. Purpose
 - B. Permitted Uses
 - C. Exceptions
 - D. Lot Size
 - E. Yard Size
 - F. Building Heights
 - G. Offstreet Parking & Loading
- Article 15: Buffer Areas
- Article 16: Performance Standards - Residential Use Districts
- Article 17: Performance Standards for Shopping Centers
- Article 18: Performance Standards - Industry and General
- Article 19: Performance Standards - Earth Material Removal
- Article 20: Off-street Parking and Loading Regulations
- Article 21: Use of Mobile Homes, Trailer Homes, and Office Trailers
- Appendix: Zoning District Boundaries

ARTICLE 1

PREAMBLE

The City of Auburn is hereby divided into districts as hereinafter designated, defined and described, an shown on an official copy of the zoning map, as amended, on file with the City Clerk, which map is hereby made a part of this chapter.

ARTICLE 2

ZONING ORDINANCE

A. Purpose

This Zoning Ordinance is designed for all the purposes of zoning embraced in Title 30, Maine Revised Statutes, Chapter 239, Section 4953, and has been drafted as an integral part of the comprehensive plan for the City of Auburn. Among other things it is designed to encourage the most appropriate use of land throughout the municipality; to promote traffic safety; to provide safety from fire and other elements; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to prevent housing development in unsanitary areas; to provide an adequate street system; to promote the co-ordinated development of unbuilt areas; to encourage the formation of community units; to provide an allotment of land area in new developments sufficient for all the requirements of community life; to conserve natural resources; and to provide for adequate public services.

B. Establishment of Zones

The City of Auburn is divided into the following Districts:

Flood Plain District
Forest, Farming, and Conservation District
Rural Residence District
Suburban Residence District
Urban One Family District
Urban General Residence District
Neighborhood Business District
General Business District
Industrial District

C. Zoning Map and Description

The districts above are shown upon a map entitled "Zoning Districts - City of Auburn, Maine", dated January 1971, and filed in the office of the City Clerk. Said map is hereby incorporated in and made a part of this Ordinance.

In the event of any discrepancy between the boundaries of the zoning districts as shown on the official map and as herein described or defined, the descriptions hereinafter set forth or as they may be amended govern.

D. Conformity

1. In the zoning districts specified in the appendix to 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 chapter, 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 non-conforming.

2. No building or structure shall be erected, altered, enlarged, rebuilt, moved or used and no premises shall be used unless in conformity with the provisions of this Ordinance except those existing which by the provisions of the Ordinance become legally non-conforming.

3. The regulations specified by this Ordinance for each class of district shall be minimum requirements and shall apply uniformly to each class or kind of structure or land,

4. Land within the lines of a street on which a lot abuts shall not be considered as part of such lot for the purposes of meeting the area requirements of this Ordinance notwithstanding the fact that the fee to such land may be in the owner of such lot.

5. No part of a yard, or other open space, or off-street parking or loading space about or in connection with any building and required for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

6. 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 (measured at a right angle to such boundary) into the lesser part by area of such lot so divided.

7. 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, regulations and restrictions of this chapter 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 in Auburn.

8. In any district, notwithstanding limitations imposed by other sections of this Ordinance, single lots of record at the effective date of adoption or amendment of this Ordinance may be built upon. Such lots shall be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lots fail to meet the minimum requirements for area or width, or both, which are applicable

in the district, provided that yard dimensions and other requirements, not involving area or width, or both, of the lot shall conform to the regulation for the district in which such lot is located. Variance of yard and other requirements not involving area or width shall be obtained only through action of the Board of Appeals.

9. Recorded lots in single ownership and of continuous frontage with lots in the same ownership shall comply with the provisions of this Ordinance except those which are included in Subdivision Plans approved by the Planning Board and recorded in the Androscoggin County Registry of Deeds since June 1, 1968.

E. Non-Conformance

1. Any lawful use of buildings, structures, premises, land or parts thereof existing at the effective date of this Ordinance, and made non conforming by the provisions of this Ordinance or any amendments thereto, may be continued subject to the provisions of this section.

2. If a non conforming use ceases for any reason for a period of one year or more any subsequent use, other than a use permitted in the district, shall be considered as a special exception.

3. An existing non conforming use may be changed to another non conforming use provided that the Board of Appeals shall find that the proposed use is equally or more appropriate to the zoning district than the existing non conforming use.

4. Whenever a non conforming use is changed to a permitted use, such use shall not thereafter revert to non conforming status notwithstanding any other provisions of this Ordinance.

5. Any individual use for which an individual exception has been granted in accordance with this Ordinance shall not be deemed a non conforming use.

6. The Board of Appeals may grant permission for the enlargement or replacement of any use made legally non conforming by the district provisions of this Ordinance. In reviewing all such applications for enlargement or replacement, the Board of Appeals shall use the criteria and procedure established herein for the consideration of exceptions. Enlargement or replacement shall not be construed as meaning the normal replacement of machinery or equipment necessary to the operation of a business.

F. Conflict of Laws, Validity, Severability

In general, this chapter is supplementary to other Auburn Ordinances affecting the use, height, area, and location of buildings and structures and the use of premises. Where this chapter imposes a greater restriction upon the use, height, area and location of building and structures and the use of premises than is imposed by other ordinances the provisions of this chapter shall control.

Validity

The invalidity of any section or provision of this chapter shall not invalidate any other section or provision thereof.

Severability

Nothing in this chapter shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred nor any cause or causes of action accrued or existing under any act or ordinance repealed hereby, nor shall any remedy or right of any character be lost impaired, or affected by this chapter.

G. Zoning Amendments

Public Hearing

The Planning Board, on its own initiative, or reference from the City Council or on petition signed but not less than twenty-five (25) Auburn people, 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.

Proposed in Writing

Each proposal to change the zoning map shall be made in writing and shall explicitly state the nature, extent, location and purpose of the map change proposed and shall be accompanied by the following:

1. In the case of a private petition by a fee of \$25.00 to help defray the cost of public notice;
2. Three blackline prints of a diagram to scale showing and stating clearly the dimensions in feet and the area of the land proposed to be changed as to zone;
3. Also a sketch or other explicit identification of the general location and relationship of such land to some major neighborhood or other recognizable geographic segment of Auburn.

Wording

Each proposal to change any words of zoning ordinance (other than a change of zoning district name or of zoning boundary description) shall include the wording then current, the words of change, showing how such change would affect the public health, safety, convenience and welfare.

Notices, Publication

(a) Two notices of each public hearing on a zoning amendment shall be given by publication by the Planning Board in a newspaper published in or of general circulation in Auburn;

(b) The first such notice stating the time, date, place and general subject to be heard shall be published not less than twelve (12) days before the date of such hearing, and the second such notice shall be published not more than seven (7) days and not less than three (3) days before the date of such hearing.

Notice, Mail

The Planning Board shall also give notice of such hearing to the petitioners and may give notice to others by mailing to them at such addresses as may be known to the Board or as may appear in the Auburn property tax listing copies of the first such notice as published. Failure of any petitioners or others to receive such mailed notice of such a zoning hearing shall not necessitate another hearing and shall not constitute grounds for objections, by such petitioner or other and shall not invalidate any recommendation by the Planning Board on such zoning matter.

ARTICLE 3

DEFINITIONS

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

(a) ACCESSORY BUILDING: A building used for a purpose which is clearly subordinate or incidental to that of the principal building or to the principal use of the land and which is located on the same lot as the principal building or use.

(b) ACCESSORY USE: The terms "accessory use" and "uses accessory thereto" shall include only the following unless further qualified in the text of this chapter.

- 1) A subordinate use of land or building which is customarily incidental to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.
- 2) Off-street parking, but in any residential zone not to include the parking or storage of more than one inoperable motor vehicle or in any urban residential district not more than one commercial vehicle.
- 3) Home occupation which shall be an occupation conducted by a resident of a dwelling which is clearly incidental and secondary to the residential use of the building in connection with which there is no display, no stock in trade, no commodity sold on the premises, not more than two persons not residents employed, and which does not interfere with the peace and quiet of the neighborhood.

(c) BOARDING HOME: A "boarding home" is an establishment principally devoted to offering board and room and occasional practical nursing service to persons who are inhibited in the performance of ordinary household tasks because of age, illness, or other physical or mental disease or defect.

(d) BUILDING: The word "building" shall include the word "structure" unless the content unequivocally indicates otherwise.

- (e) CORNER LOTS: In districts where yards are required: such corner lots, located at the intersection of two streets shall be deemed to have a side rather than a front yard between the principal building and the side street. Such side yard shall not be less than the front yard requirement of uses located on the side street.

Such corner lots located at the intersection of two streets, shall be deemed to have a side rather than a rear yard between the principal building and the abutting property on the side street. Such side yard shall not be less than the side yard requirements of uses located on the side street.

All such side yards described above shall conform with the specific regulations related to yard space and related building height contained in the district provisions of this Ordinance.

(f.) DWELLING, ONE-FAMILY: A dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family.

(g.) DWELLING, TWO-FAMILY: A free standing building intended and designed to be occupied and used exclusively for residential purposes by each of not more than two families.

(h.) ERECTED: The word "erected" shall include the words "built", "constructed", "reconstructed", "enlarged" and "moved".

(i.) EXCEPTION: An exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning districts as exceptions, if specific provision for such exceptions is made in the Zoning.

(j.) 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.

(k.) HABITABLE SPACE: That area within a dwelling which has head room of not less than 7 feet when measured vertically upward from the finished floor, provided that any such area next below the roof of a dwelling shall be counted only if it is connected with the story next below by a permanent inside stairway. The floor area of any porch, basement room, garage or other form of accessory structure attached to such dwelling shall not be counted in any measure of habitable space.

(l.) HOSPITAL: A "hospital" is an establishment devoted to medical or surgical care of sick or injured persons.

(m.) LOT: An area of land in one ownership with definite boundaries ascertainable by deed or recorded plan and used or set aside as for use as the site of one or more buildings or for any other definite purpose.

(n.) MOBILE HOME: A moveable dwelling unit not more than 18 feet in width when assembled designed for stationary year-round occupancy and which is not limited to movement upon stationary wheels or tracks.

(o) MOBILE HOME COURT: A parcel of land under single ownership which has been planned and improved for the placement of not less than 20 mobile homes for non-transient use and which for the purpose of this ordinance shall be regarded as a subdivision and subject to all applicable State and local codes and ordinances.

(p) NET RESIDENTIAL ACREAGE: The gross available acreage less the area required for streets or access and less the areas of any portions of the site which are unsuitable for development because of topography, natural drainage or subsoil conditions.

(q) NON CONFORMING USE: A building, structure or use of land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

(r) NURSING HOME: A "nursing home" also known as a "convalescent home" or "rest home", is an establishment principally devoted to offering non-intensive nursing care and board to persons who are chronically ill, infirm because of age or disabling physical or mental defect or disease, or convalescing from illness or surgery.

(s) OFFICE TRAILER: A moveable vehicle or structure designed for year-round or temporary occupancy for purposes of conducting a commercial enterprise or other activity of a non-residential nature.

(t) PARKING SPACE: Parking space shall mean an area of not less than 200 square feet exclusive of drives or aisles giving access thereto, accessible from streets or aisles leading to streets and usable for the storage or parking of passenger vehicles. Parking space or access thereto shall be construed as to be usable year-round.

(u) 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.

(v) 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.

(w) STREET: A public way laid out and established by the State of Maine, County Commission of the County of Androscoggin or accepted by the municipal officers of the City of Auburn or a way shown on a plan of a subdivision duly approved by the Planning Board.

(x) SUMMER CAMPS: Dwelling units intended for and actually used for dwelling only during the months of May, June, July, August, and September or other periods of vacation or weekends.

(y) TRAILER HOME: A travel trailer, camping trailer, or other similar vehicle capable of being hauled by a passenger automobile or light truck and designed primarily for temporary occupancy for recreational purposes or other seasonal use.

(z) VARIANCE: A variance is a relaxation of the strict application of the dimensional requirements of the ordinance where such a variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and the result of the actions of the applicant, a literal enforcement of the ordinance will result in unnecessary or undue hardship.

(aa) YARD, FRONT: 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 a street and the adjacent exterior of the building on such lot nearest a street frontage line.

YARD, REAR: An open space extending across the entire width of a lot from side line to sideline between the rear line of such lot and the adjacent exterior of the building on such lot nearest said rear line.

YARD, SIDE: 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.

ARTICLE 4

ADMINISTRATION

Permit Required

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 a building and the intended use thereof in all respects fulfill the provision of this chapter.

Plan

Each application for a permit to build, enlarge or move a building shall be accompanied by a plot plan in duplicate drawn to a scale showing and stating the dimensions in feet of the lot on which such building is proposed to be erected, enlarged 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. Submission of a plot plan in connection with permits for agricultural buildings need not be submitted unless deemed necessary by the Building Inspector.

Building Inspector - Police Chief, To Enforce

(a) The Auburn Zoning Ordinance shall be enforced by the Auburn Building Inspector and the Auburn Police Chief.

(b) The Building Inspector or the Police Chief, on the individual initiative of one or other of them, or on request by any municipal official, or upon any well-founded information in writing showing 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.

(c) 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.

(d) Such notice and demand may be delivered. If mailed, such notice and demand shall be sent by certified mail addressed to the owner at the address appearing for him on the Auburn property tax listing and to the occupant at the address of the premises of such seeming violation.

Violation, Abatement

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 through the City Solicitor institute appropriate action or proceedings in the name of the City of Auburn to prevent, correct, restrain or abate any violation of this chapter.

Penalty

Any person or persons, firm or corporation being the owner or tenant of, or having the control or use of any land, building, structure or premises, or part thereof in Auburn, who violates any of the provisions of this chapter, or who fails to conform to any of the provisions hereof, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five (5) dollars and not more than fifty (\$50) dollars for each offense. Each day such violation or failure to comply is permitted to exist after notification thereof shall constitute a separate offense.

ARTICLE 5
Board of Appeals

A. Appointment and Composition

There shall be a Board of Appeals of five (5) members and one associate member, all of whom shall be residents of the City of Auburn and shall not be at the same time in any other capacity a member or employee of any other agency of the City of Auburn. The members of the Board shall be appointed by the City Council of the City of Auburn. Any vacancy on the Board shall be filled within sixty (60) days from the date of occurrence for the remaining unexpired term of such membership. If the vacancy is not filled within the 60 day period, the City Council may appoint a person to serve for a period of one year or for the remainder of the unexpired term, which ever is shorter. At the expiration of the one year period the vacancy shall be filled for the unexpired term as above provided. Terms of members shall be for five (5) years except that initial appointments shall be so arranged that one term shall expire each year. The associate member shall be appointed for a term of three (3) years and shall act on said Board in place of any member who may be unable to act due to interest, absence or physical incapacity. The members of the Board shall annually elect one of their number Chairman to preside at all meetings of the Board. The members of the Board shall annually elect a secretary from its own membership who shall provide for the keeping of the minutes a complete record of the proceedings of the Board of Appeals. The Board shall record by resolution the final disposition of each appeal which shall be determined by a majority vote of those Board members present. All minutes of the Board shall be public record. A quorum shall consist of three (3) members.

B. Powers and Duties

Appeals shall lie from the direction of the Building Inspector to the Board of Appeals and from the Board of Appeals to the Superior Court according to the provisions of M.R.S. Title 30, Chapter 239, Section 4954 as amended.

The Board of Appeals shall have the following powers and duties:

1. Administrative Appeals. To hear and decide where it is alleged there is an error in any order, requirement decision, or determination made by the Building Inspector in the enforcement of this Ordinance. The action of the Building Inspector may be modified or reversed by the Board of Appeals, by majority vote.
2. Exceptions To hear and decide only those exceptions which are authorized by this Ordinance and which are specifically listed in the various zoning districts as exceptions. To decide such questions as are involved in determining whether such exceptions should be granted; and by majority vote to grant such exceptions with such conditions and safeguards as are appropriate under this Ordinance, or to deny such exceptions when not in harmony with the purposes and intent of this Ordinance.

3. Variance Appeals. To hear and decide, upon appeal, in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. In granting by majority vote any variance, the Board of Appeals may prescribe conditions and safe-guards as are appropriate under this Ordinance.
4. Miscellaneous Appeals. To hear and decide only the following miscellaneous appeals from the provisions of the Ordinance. In granting, by majority vote, any such miscellaneous appeals, the Board of Appeals may prescribe conditions and safeguards as are appropriate under this Ordinance.
 - (a) To permit variations of nonconformance as prescribed in Article 2-E of this Ordinance.
 - (b) To permit the location of off-street parking of passenger vehicles only on lots other than the principal building or use where it cannot reasonably be provided on the same lot. This shall apply only to those lots in Residential Districts which abut Business or Industrial Districts provided that: the use shall be accessory to and under control of one or more uses located in and conforming with the uses permitted in the adjacent Business or Industrial District, such control to be evidenced by deed or lease and, if a lease, the period of the parking use shall automatically terminate with the termination of the lease; no such appeal shall be in order for hearing before the Board of Appeals until the City Planning Board shall have reviewed the site plan accompanying the application for building permit or certificate of occupancy for such use and shall have submitted its recommendations with respect thereto; the Board of Appeals may impose such conditions as deemed necessary to insure development compatible with that of the immediate neighborhood notwithstanding the provisions of any other section of this Ordinance, and may at its discretion limit the period of such use.
 - (c) To permit the location of required off-street parking on lots other than the principal building or use where it cannot reasonably be provided on the same lot and subject to the conditions of Article 20 of this Ordinance.
 - (d) To permit off-street parking in General Business Districts, as a commercial enterprise, on lots provided the parking is limited to occupants of buildings or use located within 500' from such parking area. Such parking is subject to the conditions to Article 20 of this Ordinance.
 - (e) To permit off-street parking in Urban General Residence Districts in lots provided the parking is limited to occupants of buildings or use located within 500' from such parking area. Such parking is subject to the conditions of Article 20 of this Ordinance.

C. Conditions

In hearing appeals under this Section the Board of Appeals shall take into consideration the following:

- . Location, character and natural features.
- . Fencing and screening.
- . Landscaping, topography, and natural drainage.
- . Vehicular access, ingress and egress, circulation and parking.
- . Pedestrian circulation.
- . Signs and lighting.
- . All potential nuisances.
- . Public safety.

In granting appeals under this Section, the Board of Appeals may impose such conditions as it deems necessary in furtherance of the intent and purpose of this Ordinance.

Before granting any exceptions or miscellaneous appeals, the Board of Appeals shall have the appeal application referred to the Planning Board for a report.

Upon receipt of the appeals application, the Building Inspector shall refer it immediately to the Planning Board. The Planning Board shall act on all applications received more than ten days prior to the regular monthly Planning Board meeting. The Planning Board's report shall be submitted to the Board of Appeals for its consideration no later than five days after the regular monthly meeting of the Planning Board. The Board of Appeals may act on the appeal application even though no report has been received within the time provided. The Planning Board may by majority vote waive the above ten day provision. The Planning Board report shall be considered informational in character and shall take into consideration the site plan, the effect of the appeal proposal upon the character of the neighborhood, and any other pertinent data in respect to the comprehensive plan of the City of Auburn.

D. Appeal Procedure

1. In all cases a person aggrieved by a decision of the Building Inspector shall commence his appeal within thirty (30) days after receipt of a written decision from the Building Inspector. The appeal shall be filed with the Board of Appeals on forms with all pertinent plans or sketches in a manner to be approved by the Board, and the aggrieved person shall specifically set forth on said forms the grounds for said appeal.
2. Before taking action on any appeal, the Board of Appeals shall hold a public hearing. Notice of the time, date, place, and subject of each such hearing shall be given by publication by the Board in a newspaper of general circulation in the City of Auburn on two separate dates, the first time not less than twelve days before the date of such hearing and the second, no more than seven (7) days and not less than three (3) days before the date of such hearing.

3. In appeals involving the use of buildings or premises, a fee of \$10.00 shall be paid and the Board of Appeals shall notify by mail the owners of all property within 500 feet of the property involved of the nature of the appeal and of the time and place of the public hearing thereon.
4. In the case of appeals involving space and bulk regulations or interpretation, a fee of \$5.00 shall be paid and the Board of Appeals shall notify by mail only the owners of property abutting the property for which an appeal is taken of the nature of the appeal and of the time and place of the public hearing thereon.
5. For the purposes of this Section, the Owners of property shall be considered to be the parties listed by the Assessor of Taxes for the City of Auburn as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.
6. Following the filing of an appeal, the Board of Appeals for the City of Auburn shall notify forthwith the Building Inspector and the Planning Board, and the appeal shall be in order for hearing at the next meeting of the Board of Appeals following receipt of the informational report from the Planning Board, if any, and by at least ten (10) days the mailing of notices.
7. At any hearing a party may appear by agent or attorney. Hearing shall not be continued to other times except for good cause.
8. The Building Inspector or his designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.
9. The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the chair. All persons at the hearing shall abide by the order of the Chairman.
10. A right of appeal under the provisions of this Ordinance secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within six (6) months of the date of which the appeal is granted, and if the work or change is not substantially completed within one year of the date on which such appeal is granted.
11. If the Board of Appeals shall deny an appeal, a second appeal of a similar nature shall not be brought before the Board within one year from the date of the denial by the Board of the first appeal, unless in the opinion of a majority of the Board, substantial new evidence shall be brought forward, or unless the Board finds, in its sole and exclusive judgement, that an error or mistake of law or misunderstanding of facts shall have been made.

ARTICLE 6
FLOOD PLAIN DISTRICTS

6-A Purpose

To protect life, limb, and property, and natural flood plains, to prevent pollution and conserve natural resources.

6-B Permitted Uses

(a) No alteration of the natural contour of the land by grading or filling for any purpose shall be allowed except with the permission of the Planning Board.

(b) Land may be used for any woodland, grassland, marshland, agricultural or horticultural purposes.

6-C Exceptions

(a) Commercial buildings where adjacent to General Business zones shall be allowed if:

- 1) The density of structural materials shall be such that under high water conditions said material shall not float in water;
- 2) The contents, such as furniture, stock in trade or otherwise, of said structure and appurtenant to use thereof shall not constitute a threat to other structures under high water conditions;
- 3) No filling material will be deposited on the lot or parcel in question which materials in any way would have adverse affect upon the free passage of flood water as determined by the Planning Board.
- 4) All other principles of the zoning ordinance, building code, and other ordinances and regulations are fulfilled, including but not limited to, loading areas, off-street parking, percentage of lot occupancy, set-back limitations, all corresponding to the requirements in the zone indicated by the use intended;
- 5) Such proposed construction will not be detrimental to the public health, safety, convenience and welfare.

6-D Lot Size

Refer to Exceptions - Paragraph 4 above

6-E Yard Space

Refer to Exceptions - Paragraph 4 above

6-F Building Heights

Refer to Exceptions - Paragraph 4 above

6-G Offstreet Parking & Loading

Refer to Article 20 Offstreet Parking and Loading
Regulations.

ARTICLE 7
FOREST, FARMING, & CONSERVATION DISTRICTS

7-A Purpose

To provide land for farming and forest, and outdoor recreational uses and to conserve the integrity and natural qualities of rural open space for the betterment and future use of the City.

7-B Permitted Uses

(a) Farming of field crops, row crops, orchards, truck gardens, plant and tree nurseries, greenhouses, woodlands, pastures, and fields with all land, building equipment and machinery and building accessory to the same including but not limited to the following: barn, sales, service, and storage of farm equipment and machinery; processing, handling, storage and sale of agricultural produce, services and supplies.

(b) Poultry farm, cattle farms, dairy farms, stud farms, piggeries, sheep ranches, other animal farms including farms for raising fur-bearing animals, licensed Kennels and licensed veterinarians, and animal shelters or animal rescue facilities on farms each not less than 3 acres land area, (excluding any water bodies of one-quarter acre surface area or larger).

(c) Summer camps and bonafide farm residences required for farm labor or management but no other year-round dwellings by new construction not by conversion of non-residential structures.

(d) Outdoor recreational uses of land with such accessory buildings as may be required provided approval of the Planning Board is first obtained. Such approval shall be based on the following terms and conditions:

- 1) Submission of a written statement of the proposed use.
- 2) Submission of plan(s) to contain the following data:
 - A. Locus map showing adjacent properties
 - B. Location and type of improvements
 - C. Access roads
 - D. Water supply
 - E. Sewage disposal
 - F. Description of terrain
- 3) Compliance with applicable safety regulations.

7-C Exceptions

7-D Lot Size

In Forest & Farming Districts, no building shall be erected except on a lot containing not less than fifty thousand (50,000) square feet and not less than two hundred fifty (250) feet at the street frontage.

Exception: A summer camp may be erected on a lot containing not less than 22,500 square feet and not less than 100 feet in the least dimension unless such lot was duly recorded on or before September 14, 1960 and can be shown to be of adequate size to properly provide for required yard space and sewage disposal facilities.

7-E Yard Space

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, and only as a variance under Article 5 of this chapter.

- a) There shall be behind every building a rear yard having a minimum depth of 25' or 25% of the average depth of lot whichever is less.
- b) There shall be a minimum distance of 5' between any building and the side property line plus the side yard set back shall be increased 1' for every 5' or part thereof increase in street frontage over 50' to a maximum for side yard set back of 15'.
- c) There shall be in front of every building a front yard having a minimum depth of 25' provided that no front yard need be any deeper than the average depths of the 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' shall be considered as having a front yard of 25' deep. If average depth of lot is less than 100' the front yard need be no deeper than 25% of the average depth of the lot.

7-F Building Heights

One-family and two-family house structures shall not exceed two and one-half stories or thirty-five feet (35) in height. . . .) feet in height.

Limitations (application) The foregoing limitations of height in feet 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, penthouses, 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, provided all such features are in no way used for dwelling purposes.

7-G Offstreet Parking and Loading

Refer to Article 20 Offstreet Parking & Loading Regulations

ARTICLE 8
RURAL RESIDENCE DISTRICTS

8-A Purpose

To provide land for farming and forest, some public and private uses, rural residential areas of a low density, and to conserve the integrity and natural qualities of rural open space for the betterment and future use of the City.

8-B Permitted Uses

(a) All uses permitted in Forest, Farming and Conservation Districts.

(b) Schools, day care centers, libraries, museums, churches, and all municipal uses.

(c) One family dwellings, provided each such dwelling shall contain not less than the following net floor areas of habitable space:

- 1) If one-story, not less than 600 square feet area;
- 2) If 1½ story, not less than 600 square feet on the first floor and not less than 250 square feet area above the first floor;
- 3) If two-story, not less than 600 square feet on each floor.

(d) Any one family dwelling erected prior to January 1, 1958 may be converted to accomodate not more than two families provided the application for a building permit for such conversion shall show that:

- 1) There will be not less than one accessible off-street parking space of 200 square feet area, exclusive of driveways, per dwelling unit resulting from such conversion;
- 2) 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;
- 3) After such conversion, the building converted will retain substantially the appearance and character of one-family dwelling.

(e) Renting rooms for dwelling purposes or furnishing table board to not more than 4 persons not members of the family resident in a dwelling so used, providing 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. This section shall not limit the housing and feeding of seasonal agricultural workers on or near the premises where employed for the duration of the season employed.

(f) Accessory buildings and uses including home occupations.

8-C Exceptions

(a) Hospitals, nursing homes and boarding homes shall be allowed only upon the granting of an exception by the Board of Appeals fulfilling the specific requirements of adequate off-street motor vehicle parking and adequate fire equipment access and fulfilling the other provisions for exceptions under the Zoning Ordinance.

(b) Radio, radar, television or radio-telephone transmitting or broadcasting towers but not studios nor offices for such transmitting or broadcasting, provided, however, that permission is first obtained from the Zoning Board of Appeals in the manner set out in Article 5 of this chapter.

8-D Lot Size

In Rural Residence Districts, no building shall be erected except on a lot containing not less than fifty thousand (50,000) square feet and not less than two hundred and fifty (250) feet at the street frontage.

A summer camp may be erected on a lot containing not less than 22,500 square feet and not less than 100 feet in the least dimension unless such lot was duly recorded on or before September 14, 1960, and can be shown to be adequate size to properly provide for required yard space and sewage disposal.

8-E Yard Size

In all residence districts, there shall be provided on each lot open yard space 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, and only as a variance under Article 5 of this chapter.

(a) There shall be behind every building a rear yard having a minimum depth of 25' or 25% of the average depth of lot, whichever is less.

(b) Side. There shall be minimum distance of 5' between any building the side property line plus the side yard set back shall be increased 1' for every 5' or part thereof increase in street frontage over 50' to a maximum of 15' for side yard set back.

(c) Front. There shall be in front of every building a front yard having a minimum depth of 25' provided that no front yard need be any deeper than the average depths of the 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' shall be considered as having a front yard of 25' deep. If average depth of lot is less than 100', the front yard need be no deeper than 25% of the average depth.

8-F Building Heights

One-family, and two-family house structures shall not exceed two and one-half stories or thirty-five (35) feet in height.

Limitations (application) The foregoing limitations of height in feet 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, penthouses, processing towers, and other accessory structural features usually erected at a height greater than the main roofs or 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.

8-G Offstreet Parking and Loading

Refer to Article 20 Offstreet Parking and Loading Regulations.

ARTICLE 9
SUBURBAN RESIDENCE DISTRICTS

9-A Purpose

To provide residential areas within the City of Auburn of low to medium density in a manner which will promote a wholesome living environment. To this end no building shall be erected except on a lot containing not less than 22,500 square feet area with not less than one hundred fifty (150) feet width at the street frontage. Residential development may preferably occur in accordance with the provisions of Article 16 of this Ordinance.

9-B Permitted Uses

(a) Schools, day care centers, museums, churches, and municipal uses.

(b) Farming of field crops, row crops, orchards, truck gardens plant and tree nurseries and greenhouses.

(c) Any licensed kennel or licensed veterinarian or any animal shelter or animal rescue facility may keep more than three animals or birds or pets of persons other than those of the family resident provided that the lot is of at least three acres.

(d) Not more than the combined total of 100 poultry or game birds nor more than a combined total of 25 animals may be kept provided that the lot is at least three acres excluding water bodies of one-quarter acres surface area or larger. For purposes of determining the number of animals kept, household pets of the resident family shall not be counted. This paragraph shall not apply to or limit the expansion of presently operating animal or poultry farms of 15 acres or more.

(e) One-family dwellings, provided each such dwelling shall contain not less than the following net floor areas of habitable space:

- 1) If one-story, not less than 600 square feet area;
- 2) If 1½ story, not less than 600 square feet on the first floor, and not less than 250 square feet in area above the first floor.
- 3) If two-story, not less than 600 square feet on each floor.

(f) Any one-family dwelling erected prior to January 1, 1958, may be converted to accommodate not more than two families provided the application for a building permit for such conversion shall show that:

- 1) There will be not less than one accessible off-street parking space of 200 square feet area, exclusive of driveways, per dwelling unit resulting from such conversion;

- 2) 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;
- 3) After such conversion, the building converted shall retain substantially the appearance and character of a one-family dwelling.

(g) Renting rooms for dwelling purposes or furnishing table board to no more than 4 persons not members of the family resident in the dwelling on such dwelling or its lot, and further provided that no dwelling shall be erected or altered primarily for such use. This section shall not limit the housing and feeding of seasonal agricultural workers on or near the premises where employed for the duration of the season.

(h) Mobile home parks subject to the requirements of the Subdivision Ordinance.

(i) Accessory buildings and uses including home occupations

9-C Exceptions

(a) Hospitals, nursing homes and boarding homes shall be allowed only upon the granting of an exception by the Board of Appeals fulfilling the specific requirements of adequate off-street motor vehicle parking and adequate fire equipment access and fulfilling the other provisions for exceptions under the Zoning Ordinance.

(b) Radio, radar, television or radio-telephone transmitting or broadcasting towers, but not studios nor offices for such transmitting or broadcasting, provided, however, that the permission is first obtained from the Zoning Board of Appeals in the manner set out in Article 5 of this chapter.

(c) In a Suburban Residence District bordering a Great Pond, conversion of existing camps to a year round use as permanent dwellings will be allowed only on appeal to the Zoning Board of Appeals and when lots can be shown to be of adequate size to properly provide for required yard space and sewerage disposal facilities.

9-D Lot Size

In Suburban Residence Districts, no building shall be erected except on a lot containing not less than 22,500 square feet area and not less than one hundred fifty (150) feet width at the street frontage.

In Suburban Residence Districts bordering a Great Pond, no sewage effluent or sewerage disposal field shall be allowed within 500 feet of the high water mark of a Great Pond or within 500 feet of a water course leading to or emptying into a Great Pond.

ARTICLE 10
URBAN ONE FAMILY RESIDENCE DISTRICTS

10-A Purpose

To provide residential areas within the City of Auburn of medium density in a manner which will promote a wholesome living environment. To this end no building shall be erected except on a lot containing not less than 10,000 square feet and not less than one hundred (100) feet width at the street frontage. Residential development may preferably occur in accordance with the provisions of Article 16 of this Ordinance

10-B Permitted Uses

(a) Schools, day care centers, museums, churches, and municipal uses.

(b) Farming of field crops, row crops, orchards, truck gardens, plant and tree nurseries and greenhouses.

(c) Any licensed kennel or licensed veterinarian or any animal shelter or animal rescue facility may keep more than three animals or birds or pets of persons other than those of the family resident on such lot, provided that the lot is at least three acres.

(d) One family dwellings, provided each such dwelling shall contain not less than the following net floor areas of habitable space:

- 1) If one-story, not less than 600 square feet area;
- 2) If 1½ story, not less than 600 square feet on the first floor, and not less than 250 square feet area above the first floor;
- 3) If two-story, not less than 600 square feet area on each floor.

(e) Any one-family dwelling erected prior to January 1, 1958, may be converted to accommodate not more than two families provided the application for a building permit for such conversion shall show that:

- 1) There will not be less than one accessible off-street parking space of 200 square feet area, exclusive of driveways, per dwelling unit resulting from such conversion.
- 2) 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 dwelling and not on any wall facing a street.
- 3) After such conversion, the building converted shall retain substantially the appearance and character of a one-family dwelling.

(f) Accessory buildings and uses including home occupations.

10-C Exceptions

(a) Hospitals, nursing homes, and boarding homes shall be allowed only upon the granting of an exception by the Board of Appeals fulfilling the specific requirements of adequate off-street motor vehicle parking and adequate fire equipment access and fulfilling the other provisions for exceptions under the Zoning Ordinance.

(b) Radio, radar, television or radio-telephone transmitting or broadcasting towers, but not studios nor offices for such transmitting or broadcasting, provided, however, that prior permission is first obtained from the Board of Appeals in the manner set out in Article 5 of this Chapter.

10-D Lot Size

In Urban One-Family Residence Districts, no building shall be erected except on a lot containing not less than 10,000 square feet and not less than one hundred (100) feet width at the street frontage.

10-E Yard Size

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 rear, front, and each side property line of such lot, except as maybe permitted otherwise by the Board of Appeals, and only as a variance under Article 5 of this chapter.

(a) There shall be behind every building a rear yard having a minimum of 25' or 25% of the average depth of lot, whichever is less.

(b) Side. There shall be a minimum distance of 5' between any building and the side property line plus the side yard set back shall be increased 1' for every 5' or part thereof increase in street frontage over 50' to a maximum of 15' for side yard set back.

(c) Front. There shall be in front of every building a front yard having a minimum depth of 25' provided that no front yard need be any deeper than the average depths of the 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' shall be considered as having a front yard 25' deep. If average depth of lot is less than 100' the front yard need be no deeper than 25% of the average depth of the lot.

10-F Building Heights

One-family and two-family house structures shall not exceed two and one-half stories or thirty-five (35) feet in height.

Limitations (application) The foregoing limitations of height in feet shall apply to all farm dwellings but shall not apply to other farm buildings on farms not less than three acres nor shall such limitations apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, 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.

10-G Offstreet Parking & Loading

Refer to Article 20 Offstreet Parking and Loading Regulations

ARTICLE 11
URBAN GENERAL RESIDENCE DISTRICTS

11-A Purpose

To provide residential areas within the City of Auburn of high density in a manner which will promote a wholesome living environment and in accordance with the lot size requirements listed below. Residential development may preferably occur in accordance with the provisions of Article 16 of this Ordinance.

11-B Permitted Uses

(a) Schools, day care centers, libraries, museums, churches, and municipal uses.

(b) Farming of field crops, row crops, orchards, truck gardens, plant and tree nurseries and greenhouses.

(c) Any licensed kennel or licensed veterinarian or any animal shelter or animal rescue facility may keep more than 3 animals or birds or pets of persons other than those of the family resident on such lot, provided the lot is at least 3 acres.

(d) One-family, two-family, three-family and four-family dwellings, multi-family and vertical apartments are permitted provided they are inside the fire limits.

(e) One-family dwelling shall contain not less than the following net floor areas of habitable space:

- 1) If one-story, not less than 600 square feet area;
- 2) If 1½ story, not less than 600 square feet area on the first floor and not less than 250 square feet area above the first floor;
- 3) If two-story, not less than 600 square feet on each floor.

(f) 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, providing 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. This section shall not limit the housing and feeding of seasonal agricultural workers on or near the premises where employed for the duration of the season employed.

(g) Accessory buildings and uses including home occupations.

11-C Exceptions

(a) Hospitals, nursing homes and boarding homes shall be allowed only upon the granting of an exception by the Board of Appeals fulfilling the specific requirements of adequate off-street motor vehicle parking and adequate fire equipment access and fulfilling the other provisions for exceptions under the Zoning Ordinance.

(b) Radio, radar, television or radio-telephone transmitting or broadcasting towers but not studios nor offices for such transmitting or broadcasting provided, however, that prior permission is first obtained from the Board of Appeals in the manner set out in Article 5 of this chapter.

(c) Funeral Homes.

(d) Horizontal row houses and garden apartments containing more than two horizontal units shall be allowed only upon the granting of an exception by the Board of Appeals fulfilling the provision for exceptions under the zoning ordinance. Before granting such exception the Board of Appeals shall refer the appeal application to the Planning Board at least ten days before the regular monthly meeting of the Planning Board for a report. The Planning Board report shall be considered informational in character and shall take into consideration the site plan, the effect of the appeal proposal upon the character of the neighborhood, and any other pertinent data in respect to the comprehensive plan of the City of Auburn. The Planning Board report shall be submitted to the Board of Appeals for its consideration no later than five days after the regular monthly meeting of the Planning Board.

(e) Off-street parking provided that such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same zone and provided further that such use be approved by the Board of Appeals as an exception subject to the requirements of Article 5 of this Ordinance. In approving any such use, the Board of Appeals may impose such reasonable conditions regarding fencing and screening, drainage, ingress and egress, signs and lighting, and total capacity of the parking area as it deems necessary to protect the residential character of the neighborhood. Upon receipt of any such application, the Building Inspector shall refer it to the Planning Board for a report as to the prospective effect of the proposed parking area upon the residential character of the neighborhood having particular reference to the factors set forth above, and any other pertinent information arising out of the comprehensive plan of the City of Auburn. If no meeting of the Planning Board is scheduled prior to the Board of Appeals hearing on the application, such report shall be given by the City Planner. If no report has been received by the Board of Appeals prior to the hearing, it may act without it.

11-D Lot Size

In Urban General Residence Districts, outside the Fire Zone as defined in the Auburn Building Code, as amended, for each building erected, there shall be provided lot areas as follows:

(a) Buildings housing one family; 10,000 square feet minimum lot area, not less than 100 feet width at street frontage;

(b) Buildings housing two families; 12,000 square feet minimum lot area, not less than 100' width at street frontage;

(c) Buildings housing three families; 15,000 square feet minimum lot area, not less than 100' width at street frontage.

(d) Buildings housing four families; 17,500 square feet minimum lot area, not less than 150' width at street frontage;

(e) Multi-family, vertical, fire resistant apartment buildings inside Fire Zone as defined in the Auburn Building Code, as amended; 10,000 square feet for the first apartment and 2,500 square feet additional for each apartment.

11-E Yard Space

In all Residence Districts, there shall be provided on each lot open 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, and only as a variance under Article 5 of this chapter.

- (a) There shall be behind every building a rear yard having a minimum depth of 25' or 25% of the average depth of lot, whichever is less.
- (b) Side. There shall be a minimum distance of 5' between any building and the side property line plus the side yard set back shall be increased 1' for every 5' or part thereof increase in street frontage over 50' to a maximum of 15' for side yard set back.
- (c) Front. There shall be in front of every building a front yard having a minimum depth of 25' provided that no front yard need be any deeper than the average depths of the 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' shall be considered as having a front yard 25' deep. If average depth of lot is less than 100' the front yard need be no deeper than 25% of the average depth of the lot.

11-F Building Heights

One-family, two-family, and row house structures shall not exceed two and one-half stories or thirty-five (35) feet in height.

In Urban General Residence Districts inside the Fire Zone as defined by the Auburn Building Code, as amended, multi-family vertical apartment structures erected after the effective date of this chapter shall not exceed six stories or seventy-five (75) feet in height.

No wood frame or timber dwelling structure existing within said fire zone on the effective date of this chapter shall thereafter be increased in height, and the Board of Appeals shall not entertain any appeal for any such height increase.

Limitations (Application) 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 3 acres nor shall such limitations apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, 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.

11-G Offstreet Parking & Loading

Refer to Article 20 Offstreet Parking and Loading Regulations.

ARTICLE 12
NEIGHBORHOOD BUSINESS DISTRICTS

12-A Purpose

To provide neighborhood retail convenience outlets within the City of Auburn to serve the daily needs of the residents of the immediate neighborhood. For the purposes of this Ordinance such outlets shall serve definable neighborhoods, shall be consistent with the City Comprehensive Plan, and shall conform to the performance standards of Article 17 of this Ordinance.

12-B Permitted Uses

(a) Stores for the retail sale of food, drugs and other articles or commodities for use and consumption in neighborhood households; offices or premises for personal and professional services and one automobile lubricating and gasoline filling station. Automobile repair garages and automobile sales places shall not be permitted.

(b) Shopping centers subject to Article 17 Performance Standards for Shopping Centers.

(c) Churches, schools, libraries, museums, local passenger stations and municipal or other public or civic buildings.

(d) One-family, two-family, three-family, and four-family dwellings

(e) One-family dwellings shall contain not less than the following net floor areas of habitable space:

1) If one-story, not less than 600 square feet area;

2) If 1½ story, not less than 600 square feet on the first floor and not less than 250 square feet area above the first floor;

3) If two-story, not less than 600 square feet area on each floor.

(f) Uses of land or of buildings customarily incident to and accessory to the foregoing, provided such uses shall not be noxious, injurious, offensive, dangerous or detrimental to the neighborhood.

12-C-Exceptions

12-D Lot Size

12-E Yard Size

(a) Rear. There shall be behind every building a rear yard having a minimum depth of 35' or 20% of the average depth of the lot, whichever is less.

(b) Side. There shall be a distance of 5' between any building and the side property line plus the side yard set back shall be increased 1' for every 5' or part thereof increase in street frontage over 50' to a maximum of 15' for side yard set back.

(c) Front. There shall be in front of every building a front yard having a minimum depth of 25' provided that no front yard need be any deeper than the average depths of the 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' shall be considered as having a front yard 25' deep. If average depth of lot is less than 100', the front yard need be no deeper than 25% of the average depth of the lot.

(d) Where the requirements of a railroad siding exists, the open yard space regulations as set forth are disregarded for the side(s) of the building requiring the siding. The engineering requisites for a safe and properly designed siding and building set back acceptable to the railroad shall take precedence.

12-F Building Heights

One-family, two-family, and row house structures shall not exceed two and one-half stories or thirty-five (35) feet in height.

In Neighborhood Business Districts and In General Business Districts or portions of General Business Districts outside the Fire Zone as defined by the Auburn Building Code, as amended, all permitted structures whether business, commercial or dwelling purposes shall not exceed two stories or thirty-five (35) feet in height.

Limitations (application) 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, penthouses, 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.

12-G Offstreet Parking and Loading

Refer to Article 20 Offstreet Parking and Loading Regulations.

ARTICLE 13
GENERAL BUSINESS DISTRICTS

13-A Purpose

To provide general retail sales, services and business space, and light industrial activities within the City of Auburn in locations capable of conveniently serving community and regional trade areas. These uses shall be in compliance with the performance standards for business and industry of this Ordinance and all other applicable ordinances of the City of Auburn.

13-B Permitted Uses

(a) Retail stores; wholesale stores; salesrooms; showrooms; places for any professional artistic or mercantile activity including wholesale and retail bakeries, warehouses, and light industrial plants which cannot create any semblance of nuisance by noise, vibration, smoke, odor or appearance.

(b) Banks, business offices, professional offices, personal services premises, local passenger stations, governmental offices, and municipal, civic or public service buildings.

(c) Hall, club, theatre, or other place of amusement or assembly; restaurant, dining room or lunch room.

(d) Shopping centers subject to Article 17 Performance Standards for Shopping Centers.

(e) Motels and hotels

(f) Funeral Homes

(g) Automobile service and filling stations, automobile repair garages including automobile body repairs and painting, automobile sale agencies for new and used cars.

(h) One-family, two family, three-family, and four-family dwellings, provided they are beyond the limits of the Fire Zone.

(i) One-family dwellings shall contain not less than the following net floor areas of habitable space:

- L) If one-story, not less than 600 square feet area;
- 2) If $1\frac{1}{2}$ story, not less than 600 square feet on the first floor and not less than 250 square feet above the first floor;
- 3) If two-story not less than 600 square feet on each floor.

13-C Exceptions

Off-street parking as a commercial 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 zone and provided further that such use be approved by the Board of Appeals an exception subject to the requirements of Article 5 of this Ordinance. In approving any such use, the Board of Appeals may impose such reasonable conditions regarding fencing and screening, drainage, ingress and egress, signs and lighting, and total capacity of the parking area as it deems necessary to protect the character of the neighborhood. Upon receipt of any such application, the Building Inspector shall refer it to the Planning Board for a report as to the prospective effect of the proposed parking area upon the character of the neighborhood having particular reference to the factors set forth above, and any other pertinent information arising out of the comprehensive plan of the City of Auburn. If no meeting of the Planning Board is scheduled prior to the Board of Appeals hearing on the application, such report shall be given by the City Planner. If no report has been received by the Board of Appeals prior to the hearing, it may act without it.

13-D Lot Size

In General Business Districts, each lot recorded after September 14, 1960 shall contain not less than twenty-two thousand five hundred (22,500) square feet and not less than one hundred twenty-five (125) feet at the street frontage, and not more than thirty (30) percent of the total area shall be covered by buildings.

The requirements as to lot area, lot width and the portion of lot coverable by buildings shall apply to undersized lots adjacent to each other under one ownership if the collective area of these undersized lots is as large or larger than required in this section. The requirements for this section shall not apply to individual lots not adjoined by other land of the same owner provided the lots are less than required by this section and were lawfully laid out duly recorded prior to September 14, 1960.

13-E Yard Size

(a) Rear. There shall be behind every building a rear yard having a minimum depth of 35' or 20% of the average depth of the lot, whichever is less.

(b) Side. There shall be a distance of 5' between any building and the side property line, plus the side yard set back shall be increased 1' for every 4' or part thereof increase in street frontage over 49' to a maximum of 25' for the side yard set back.

(c) Front. There shall be in front of every building a front yard having a minimum depth of 25' or 15% of the average depth of the lot, whichever is less. No front yard need be any deeper than the average depth of front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard with more than 25' shall be considered as having a front yard of 25'.

(d) Where the requirements of a railroad siding exists, the open yard space regulation as set forth are disregarded for the side(s) of the building requiring the siding. The engineering requisites for a safe and properly designated siding and building set back acceptable to the railroad shall take precedence.

13-F Building Heights

One-family, two family and row house structures shall not exceed two and one-half stories or thirty-five (35) feet in height.

In General Business Districts or portions of General Business Districts outside the Fire Zone as defined by the Auburn Building Code, as amended, all permitted structures whether for business, commercial or dwelling purposes shall not exceed two stories or thirty-five (35) feet in height.

In General Business Districts or portions of General Business Districts inside the Fire Zone as defined by the Auburn Building Code, as amended, masonry and/or steel business structures and apartment structures as above provided shall not exceed six stories or seventy-five (75) feet in height.

Limitations (application) 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, penthouses, processing towers and other accessory structural features usually erected at a height greater than the main roofs of any buildings provided all such features are in no way used for dwelling purposes.

13-G Offstreet Parking & Loading

Refer to Article 20 Offstreet Parking and Loading Regulations.

ARTICLE 14
INDUSTRIAL DISTRICTS

14-A Purpose

To provide districts within the City of Auburn for manufacturing, research, processing, treatment, warehousing, storage and distribution and to which end all the performance standards as set forth in this Ordinance and all other applicable ordinances of the City of Auburn shall apply.

14-B Permitted Uses

(a) Any manufacturing, research laboratories, processing, wholesaling, warehousing, or other industrial activity free from neighborhood disturbing factors; provided 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 ways of water, emission of corrosive, toxic or noisome fumes, gas, smoke, soot, obnoxious dust, disagreeable odors, offensive noises or other objectionable characteristics.

(b) Accessory uses including retail facilities and services accessory to principal permitted uses.

(c) Accessory buildings and uses.

(d) Farming of field crops, row crops, orchards, truck gardens, plant and tree nurseries and greenhouses, including farm dwellings on premises actively farmed.

(e) Local bus passenger stations, airports, and restaurants.

(f) Automobile service and filling stations.

(g) Motels and hotels.

14-C Exceptions

Radio, radar, television or radio-telephone transmitting or broadcasting towers, but not studios nor offices for such transmitting or broadcasting, provided, however, that prior permission is first obtained from the Board of Appeals in the manner set out in Article 5 of this chapter.

14-D Lot Size

In Industrial Districts each lot recorded after September 14, 1960, shall contain not less than forty thousand (40,000) square feet area and not less than one hundred and fifty (150) feet width at the street frontage, and not more than twenty (20) percent of the total area of any such lot may be covered by buildings.

The requirements as to lot area, lot width, and the portion of lot coverable by buildings shall apply to undersized lots adjacent to each other under one ownership if the collective area of these undersized lots is as large or larger than required in this section. The requirements of this section shall not apply to individual lots not adjoining by other land of the same owner provided the lots are less than required by this section and were lawfully laid out and duly recorded prior to September 14, 1960.

14-E Yard Space

(a) Rear. There shall be behind every building a rear yard having a minimum depth of 50' or 20% of the average depth of the lot whichever is less.

(b) Side. There shall be a minimum distance of 5' between any building and the side property line plus the side yard set back shall be increased one (1) foot for every three (3) feet or part thereof increase in street frontage over sixty-three (63) feet to a maximum of thirty-five (35) feet for side yard set back.

(c) Front. There shall be in front of every building a front yard having a maximum depth of thirty-five (35) feet or 15% of the average depth of the lot whichever is less. No front yard need be any deeper than the average depth of the front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard having more than thirty-five (35) feet shall be considered as having a front yard of thirty-five (35) feet.

(d) Where the requirements of a railroad siding exists, the open yard space regulations as set forth are disregarded for the side(s) of the building requiring the siding. The engineering requisites for a safe and properly designed siding and building set back acceptable to the railroad shall take precedence.

(e) Any yard space or area required to be kept open and unbuilt on may be used, if otherwise lawful, for off-street automobile parking, except that a green strip not less than thirty (30) feet wide on which to grow grass, shrubs, flowers or trees shall be maintained open and green, unbuilt on, unpaved and not parked in, all along each property line that abuts land residentially zoned.

14-F Building Heights

In Industrial Districts, buildings shall not exceed forty-five (45) feet in height.

Limitations (application) 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, penthouses, 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.

14-G Offstreet Parking & Loading

Refer to Article 20 Offstreet Parking and Loading
Regulations.

ARTICLE 15

BUFFER AREAS

No building shall be erected or any use permitted in non-residential districts which abutt Residential Districts unless the following side and rear yard requirements are satisfied:

1. All such side and rear yards abutting Residential Districts shall maintain the district boundary in its natural state to provide a visual screen between districts.
2. Where no natural buffering can be maintained all such side and rear yards abutting Residential Districts shall be landscaped to provide a visual screen between districts. Because of varying site conditions landscaping for the purposes of this section may include tree plantings, hedges, walling and combinations thereof.

ARTICLE 16 - PERFORMANCE STANDARDS

RESIDENTIAL USE DISTRICTS

A. SPECIAL PROVISIONS

In all residential districts the following special provisions may apply subject to the conditions set forth in this Section.

B. PERFORMANCE STANDARDS

Notwithstanding other provisions of this Ordinance relating to space and bulk, the Planning Board in reviewing and approving proposed residential subdivisions located in the City of Auburn may modify said provisions related to space and bulk, to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting Variances to relieve hardship.

1. The purpose and intent of this Zoning Ordinance shall be upheld.
2. There shall be compliance with all State and local codes and ordinances.
3. There shall be no approval of any proposed development which exceeds the net residential density allowable in the residential district in which it is located. For the purposes of this Ordinance net residential density shall be established by the area of residual space available for residential development after deduction of vehicular rights-of-way and land not buildable because of drainage, subsurface conditions or other natural impediment.
4. Front yard set back requirements shall not be modified by a reduction of more than 50%.
5. Open space between principal buildings shall not be modified to less than the height equivalent of the higher of any two adjacent principal buildings on the same lot.
6. Frontage requirements shall not be modified by a reduction of more than 75%.
7. Each building shall be an element of an overall plan for site development.
8. Where possible, buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas.
9. Development proposals shall include a landscape program to illustrate the proposed treatment of space, roads, paths, service and parking areas. Screening devices shall not impair pedestrian and vehicular safety.

10. All utilities shall be installed underground wherever possible. All transformer boxes, substations, pumping stations, and meters shall be located and designed as not to be unsightly or hazardous to the public.
11. Residual open space accumulated by modifying space and bulk requirements within the allowable density limits shall be usable for recreational or other outdoor living purposes and for preserving large trees, tree groves, woods, ponds, streams, glens, rock outcrops, native plant life and wild life cover. The use of any open space may be further limited or controlled at the time of preliminary and final plat approval where necessary to protect adjacent properties or uses.
12. The common open space (s) shall be shown on the subdivision plan and with appropriate notation on the face thereof to indicate that it
 - a. Shall not be used for future building lots.
 - b. a part or all of the common open space may, at the Municipality's option, be accepted in dedication by the Municipality and operated as a Municipal Recreational facility.
13.
 - a. If any or all of the common open space is to be reserved for use by the residents, the formation and incorporation by the developer of the neighborhood association, with expected total membership shall be required prior to final plat approval.
 - b. Covenants for mandatory membership in the association setting forth the owners rights and interest and privileges in the association and the common land, shall be approved by the Planning Board and included in the deed for each lot.
 - c. This neighborhood association shall have the responsibility of maintaining the common open space (s) and operation and maintenance of local neighborhood recreational facilities within such open space (s).
 - d. The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open spaces and neighborhood recreational facilities.
 - e. The developer or subdivider shall maintain control of such open space (s) and be responsible for their maintenance until the Association has reached 75% of its expected total membership. Such determination shall be made by the Planning Board upon request of the Neighborhood Association or the developer or subdivider.

14. The developer shall file with the city at the time of submission of final plans a performance guarantee. This may be tendered in the form of a certified check payable to the city or a faithful performance bond running to the city and issued by a surety company acceptable to the city. The conditions and amount of such check or performance bond shall be determined by the City Manager with the advice of various city departments or agencies concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting and completing all of the street, grading, paving, storm drainage, and utilities or other improvements specified in the final plan, and shall be conditioned on the satisfactory completion of all such specified improvements in compliance with the requirements of Chapter 23 of the Auburn City Ordinance governing the subdivision of land.
15. For the purposes of this section the tract or parcel of land involved must be either in single ownership or the subject of an application filed jointly by the owners of all the property included.
16. For the purposes of this section accessory uses may include, as an integral part of the plans for the development, retail and service facilities for the convenience of residents only provided, however, that in the opinion of the Planning Board, such facilities are in no way conflicting with the Comprehensive Plan of the City of Auburn.

ARTICLE 17

PERFORMANCE STANDARDS

FOR SHOPPING CENTERS IN GENERAL BUSINESS & NEIGHBORHOOD BUSINESS DISTRICTS

Whenever Business District is used herein, it shall mean General Business and Neighborhood Business Districts.

Purpose

To establish within the City of Auburn general retail sales, services and business space in locations to conveniently serve community needs. To this end such districts shall be developed in accordance with business and shopping center performance standards of this Ordinance and all other applicable local and State codes.

Building Permit

Building permits shall be issued only if the building and development proposals meet the performance standards contained herein. No building permits shall be issued until the Planning Board shall have reviewed all improvement proposals including but not necessarily limited to waste disposal, traffic access, parking and buffering, landscaping and conservation proposals and approval given by the Planning Board relative to their compliance with said standards.

The Planning Board shall act within thirty (30) days following any submission for its approval under this section. If approval is not forthcoming, the Planning Board shall issue an order listing the respects in which, in its opinion, the proposal fails to meet performance standards contained herein, which order shall include a list of changes required for approval and which shall be mailed within said thirty (30) days to the applicant.

When the Building Inspector is satisfied that the changes required by the order have been made, then he shall consider that the approval of the Planning Board required herein shall have been given.

Each application for building permit shall include the following in duplicate for the records of the Building Inspector and Planning Board:

(a) A diagram and a statement of the ownership, area dimensions, boundaries and topography of the land for which such permit is sought and the names of abutting owners as found in the most recent tax list, the locations of existing public or private ways, nearest such land.

(b) A dimension site plan drawn to no smaller scale than 25 feet to the inch showing the location of all driveways, patron parking areas, access and parking for service vehicles, loading areas, location of buildings and their size, landscape plan, buffer areas where required and all ingress and egress points to public highways, and, either as a part of such site plan or separately - a landscape plan relative to the entire site.

(c) Soils data: evidence of satisfactory subsurface conditions for construction, drainage, sewage disposal and prevention of erosion and any other adverse environmental effects related to soils shall be furnished by reference to U.S.D.A. Soils Conservation Service Data for Androscoggin County and on site investigation approved by the Building Inspector.

Where poor soils conditions are shown to exist, approval of the application shall be subject to the installation of remedial measures which comply fully with all applicable State and local codes for health, plumbing, sanitation, conservation and pollution control.

(d) A diagram and/or statement showing proposals for handling storm water drainage and snow melt run-off.

(e) Proposed methods for sewage disposal and storage and disposal of food wastes and trash.

Off Street Parking and Loading

Off-street parking and loading shall be provided in accordance with the parking and loading schedule of this Ordinance and the following special provisions:

(a) To limit the proliferation of access points from parking areas to public highways and the resultant strip development, traffic hazards, congestion and other manifestations of commercial sprawl, each developer shall dedicate the first 20 feet of parking area adjacent to the public highway to the use of controlled public access and landscaping in those areas with less than 100 foot right-of-way.

(b) The developer shall agree to improve this 20 feet with landscaping and/or marginal vehicular access way to the proposed development of at least 12 feet traveled width and conforming to the street acceptance standards of the city.

(c) The developer shall file with the City of Auburn a performance guarantee in an amount sufficient to defray the cost of improving the 20 foot strip for marginal vehicular access and/or landscaping. The conditions and amount of such performance bond shall be determined by the City Manager with the advice of the various municipal departments and agencies concerned. The amount shall be at least equal to the cost of the required improvements, and shall be conditioned on the completion of such improvements within one year of the date of the performance bond. If an access way shall not be initially required and constructed, the City of Auburn may construct the same and impose an assessment therefor.

(d) Upon satisfactory completion of the paved access way, the developer shall petition the City of Auburn for acceptance of the 20 foot strip for controlled marginal access and landscaping.

(e) The developer shall provide within the parking area such dividers as the Planning Board may require to control traffic and safe pedestrian movement.

(f) The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least 6 inches in depth, well compacted and with a blacktop wearing surface.

(g) A surface drainage system shall be provided.

(h) Lighting shall be shaded or screened so that no nuisance or traffic hazard shall be created by the source to adjacent residential areas or public highways.

(i) The City of Auburn reserves the right to designate all ingress and egress points to the public highway.

(j) The City of Auburn reserves the right to select areas for the grouping or placement of signs and traffic directions.

(k) All traffic flow in parking areas shall be clearly marked with signs and/or surface directions at all times.

(l) All parking spaces shall be clearly marked.

Buffer Strips

(a) Any yard space abutting a residential area shall be maintained as a buffer strip by the developer. Such buffer area shall be for the purpose of eliminating any adverse effects upon the environmental or aesthetic qualities of abutting properties or any type of nuisance affecting the health, safety, welfare and property values of the residents of Auburn.

(b) Natural features shall be maintained wherever possible to provide a break between the proposed development and abutting properties.

(c) When natural features such as topography, gullies, stands of trees, shrubbery, rock outcrops do not exist or are insufficient to provide a buffer, the developer shall landscape or otherwise provide fencing or screening in accordance with the provisions of this Ordinance.

(d) Fencing, screening or natural features, or combination thereof, shall be sufficient to shield from the view of abutting residential properties, and otherwise prevent any kind of nuisance, all loading and unloading operations, storage areas, commercial vehicle parking, waste disposal and collection areas.

(e) Fencing and screening shall be durable and properly maintained at all times by the owner.

(f) Fencing and screening shall be so located within the developer's property line to allow access for maintenance on both sides without intruding upon abutting properties.

(g) All buffer areas shall be maintained in a tidy and sanitary condition by the owner.

(h) All buffer areas shall be developed and maintained within the 75 foot required yard space except that no more than 45 feet shall be required for such purpose. The remaining yard space may be used for parking and loading.

(i) The developer shall file with the City of Auburn a performance guarantee in the same manner as described under off-street parking and loading, paragraph

Signs

All signs shall comply with provisions of this Ordinance.

ARTICLE 18
PERFORMANCE STANDARDS — INDUSTRY AND GENERAL

1. Industrial waste waters may be discharged to municipal sewers only and in such quantities and/or of such quality as to be compatible with commonly accepted municipal sewage treatment operations, and subject to local and State approval.
2. Such wastes may require pretreatment at the industrial site in order to render them amenable to municipal treatment processes.
3. Pretreatment includes, but is not limited to screening, grinding, sedimentation, ph adjustment, surface skimming, chemical oxidation and reduction and dilution.
4. The disposal of industrial waste waters by means other than the municipal sewerage system must comply with the laws of the State of Maine and the city concerning water pollution. Wash water or other process water carrying stone dust, stone particles, silt or other mineral matter will not be accepted into the municipal system. Representatives of the city, the Auburn Sewerage District, Environmental Improvement Commission may enter onto premises for the purpose of gauging, sampling, and testing any waste water streams which may enter into water courses.
5. Dust, dirt and fly ash shall not exceed 0.3 grains per cubic foot of flue gas at stack temperature of 500 degrees Fahrenheit and shall in no manner be destructive, unhealthful, hazardous, nor shall visibility be impaired by the emission of a haze which unduly impedes vision within apparent opaqueness equivalent to No. 1 of the Ringlemann Chart as measured at any boundary line, using the procedures of the American Society of Testing Materials. Representatives of the city and for the Maine Water and Air Environmental Commission may enter onto premises for the purpose of testing any and all sources of potential air pollution.
6. The limitations of paragraph 5, shall not apply to emissions resulting from soot, blowing on any heat-transfer operation regardless of fuel source provided such emissions do not exceed an aggregate duration of more than one hour in any 24 hour period.

Any industry emitting toxic or odoriferous substances must submit detailed plans to minimize such emissions to the Building Inspector before a permit is granted. Limitations of toxicity and odors of these substances shall be as set forth by the State of Maine.
7. All air pollution control shall comply with minimum State requirements and detailed plans submitted to the Building Inspector for approval, before a permit is granted.
8. Noise: Noise is required to be muffled so as not to be objectionable due to intermittence, beat frequency, or shrillness. Noise may equal but not exceed, during any consecutive 8-hour period an average of 75 decibels at 600 cps measured at any boundary line. During the peak activity of 60 minutes in a 24-hour period a noise may not exceed 100 decibels at 600 cps when measured at the source.

9. No use of land or buildings shall be allowed unless such use shall be free of threat from fire or explosive.
10. Upset conditions, breakdowns, or scheduled maintenance of any water and air pollution control equipment shall not be deemed to be in violation of established limits as specified above. Such person responsible for such emission will with all practical speed, initiate and complete appropriate reasonable action to correct the conditions causing such emissions to exceed said limits.
11. In case of doubt, the Building Inspector may employ such independent, recognized consultant necessary, at the expense of the applicant, to assure compliance with performance standards of this article and abatement of nuisances.

ARTICLE 19

EARTH MATERIALS REMOVAL REGULATIONS

Removal Permit, Application, Hearing and Notice

(a) The removal of sod, loam, soil, clay, sand, borrow, gravel or stone from 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 or is otherwise permitted under this chapter.

(b) The Planning Board in granting any such permit may impose reasonable conditions protective of health, safety and welfare in the community and of individuals in the community. Without limiting the generality of the foregoing limitation, such conditions may include limitation of removal in respect of all or any of the following.

1. Extent of time.
2. Area and depth of excavation.
3. Steepness of slopes excavated.
4. Distance between edge of excavation and neighboring properties or ways.
5. Temporary or permanent drainage in a manner to be approved by the City Engineer.
6. The posting of security or bond in a dollar amount to be determined by the Planning Board on the advice of the City Engineer, to be sufficient to guarantee fulfillment of conditions imposed.
7. The replacement of not less than six (6) inches of topsoil 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,
8. 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 finished out banks with not less than six (6) inches of topsoil.

(c) No such permit shall be issued except upon written application therefore to the Planning Board not until after a public hearing by the Planning Board on such application.

(d) 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.

(e) 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 meeting.

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.

Earth Removal Exceptions

(a) 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.

(b) The foregoing regulations shall also be deemed not to prohibit the removal from any lot or way of earth materials as far as may be necessitated by the construction or installation of utilities or other engineering works for public service on such lot or in such way, 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.

(c) The foregoing regulations shall also be deemed not to prohibit removal, grading or transferring of any 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 same ownership, or removal for sale at a rate not exceeding ten (10) cubic yards per acre per year.

(d) 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 chapter 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 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, the thirtieth day after the effective date of this chapter.

ARTICLE 20

OFF-STREET PARKING AND LOADING REGULATIONS

A. Off-street parking either by means of open air spaces, each having an area ten feet wide and twenty feet long, or by garage space, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve conforming uses located in any district.

B. The following minimum off-street parking shall be provided and maintained in case of new construction, alteration and changes of use.

Dwellings.....1.5 parking spaces per each dwelling unit

Motels, Hotels, & tourist.....1 parking space for each sleeping homes room plus 1 parking space for each 100 square feet, or major fraction, thereof, of space used for dining, entertainment, and conferences.

Schools.....2 parking spaces for each room used for purposes of instruction.

Hospitals, sanitoria,.....1 parking space for each 500 square nursing homes feet or major fraction thereof of floor area, exclusive of basement.

Theaters, auditoria and.....1 parking space per seating churches space for four people for each 100 square feet or major fraction thereof of assemblage space if no fixed seats.

Retail stores.....3 square feet of parking, for each one square foot of floor area used for retail sales.

Restaurants.....1 parking space for each 100 square feet, or major fraction thereof, of area not used for storage or food preparation.

Drive-in restaurants.....minimum 25 parking spaces plus 4 and snack bars square feet of parking for each square foot of floor space in excess of 2500 square feet.

Offices, professional.....1.5 parking spaces for each 500 and public buildings square feet of major fraction thereof, or floor area exclusive of cellar and exclusive of bulk storage areas.

Industry, manufacturing.....1 parking space for each 1,000 square feet of floor area, or and business major fraction thereof, for that part of every business, manufacturing and industrial building not catering to retail trade and with floor area over 3,000 square feet.

- C. Required off-street parking in all districts shall be located on the same lot as the principal building or use except that the Board of Appeals may authorize residential off-street parking to be located within 500 feet of principal residential uses, measured along lines of public access, where it cannot reasonably be provided on the same lot. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required.
- D. Required off-street parking in all business and industrial zones shall be located on the same lot with the principal building or use, or within 500 feet measured along lines of public access, except that where off-street parking cannot be provided within these limits, the Board of Appeals may permit such off-street parking to be located a reasonable distance from the principal building or use, measured along lines of public access if the premises to be used for parking are held under the same ownership or lease. Evidence of such control or lease shall be required and such lots shall be located within business or industrial districts.
- E. Required off-street parking on lots in Urban General Residence Zones, is permitted provided the parking is limited to occupants of buildings or use located within 500 feet from such parking area.
- F. Where off-street parking for more than six vehicles is required or provided on a lot in a Residence Zone and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met.
 - 1. A continuous guard curb, rectangular in cross-section, at least six inches in height and permanently anchored, shall be provided and maintained at least five feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches in height shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or line involved, either above or below the impact surface.
 - 2. Where such off-street parking shall abut a lot in residential use or an unoccupied lot which is located in a Residence Zone, a chain link picket or sapling fence, not less than 48 inches in height shall be provided and maintained between such off-street parking and that part of the lot line involved.

- G. Where off-street parking for more than six vehicles is required or provided on a lot in any Business Zone, the following requirements shall be met:
1. Where vehicles are to be or may be parked within ten feet of any street line a continuous guard curb, rectangular in cross-section, at least six inches in height and permanently anchored, shall be provided and maintained at least five feet from the street line between such off-street parking and that part of the street line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least 20 inches in height, shall be provided and maintained between such off-street parking and that part of the street line involved so that the bumpers of vehicles cannot project beyond its face toward the street line involved, either above or below the impact surface.
 2. Where such off-street parking shall abut a lot in a Residence Zone or a lot in residential use, a chain link, picket or sapling fence, not less than 48 inches in height shall be provided and maintained between such off-street parking and that part of the lot line involved.
- H. Where off-street parking for more than six vehicles is required or provided, the following construction requirements shall apply:
1. Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided and in conformity with the Subdivision ordinance. Location and width of approaches over public sidewalks shall be approved by the City Engineer. When access to parking areas is available from more than one street, ingress and egress to and from the lot shall have the approval of the Planning Board.
 2. The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six inches in depth, well compacted and with a wearing surface equivalent in qualities of compaction and durability to fine gravel.
 3. A system of surface drainage shall be provided in such a way that the water run-off shall not run over or across any public sidewalk or street.
 4. Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways.
- I. The Board of Appeals may, in specific cases of hardship, reduce the requirements for off-street parking where it is clearly demonstrated that such reduction will not detract from neighborhood values, inconvenience the public, or increase congestion in the streets.

J.

The Board of Appeals may approve the joint use of a parking facility by two or more principal buildings or uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments.

K.

OFF-STREET LOADING REQUIREMENTS

1. In those zones where off-street loading is required, the following minimum off-street loading bays or loading berths shall be provided and maintained in the case of new construction, alterations, and changes of use:

Office Buildings and hotels with a gross floor area of more than 100,000 square feet: 1 Bay

Retail, wholesale and industrial operations with a gross floor area of more than 5,000 square feet:

5,001	to	40,000 sq.ft.	1 Bay
40,001	to	100,000 sq.ft.	2 Bays
100,001	to	160,000 sq.ft.	3 Bays
160,001	to	240,000 sq.ft.	4 Bays
240,001	to	320,000 sq.ft.	5 Bays
320,001	to	400,000 sq.ft.	6 Bays

Each 90,000 square feet over 400,000, 1 additional Bay.

2. Each loading bay shall have minimum dimensions of 50 feet by 14 feet and may be located either within a building or outside and adjoining an opening in the building. Every part of such loading bay shall be located completely off the street. In case trucks, trailers, or other motor vehicles larger than the dimensions of the minimum loading bay habitually serve the building in question, additional space shall be provided so that such vehicle shall park or stand completely off the street.
3. The provisions of this section for off-street loading shall not be construed as prohibiting incidental curbside business deliveries, dispatches, or services provided that they are in compliance with all applicable State and Local traffic regulations.

ARTICLE 21
USE OF MOBILE HOMES, TRAILER HOMES, AND OFFICE TRAILERS

Use of Mobile Homes, Trailer Homes, and Office Trailers Restricted

The use of mobile homes, trailer homes, and office trailers is prohibited except as follows:

- (a) In mobile home courts.
- (b) As farm residences for farm labor or management on the farm where actually employed and only for the period of such employment.
- (c) As a field headquarters or office space on construction sites for persons or firms actually engaged in construction work.
- (d) As office space for persons or firms actually engaged in the business of selling mobile homes and trailer homes.
- (e) As living quarters for construction workers located on or within one quarter of a mile from the construction site on which they are employed. Such occupancy shall be limited to the period during which construction is in progress.
- (f) As temporary living quarters for persons whose need arises from emergency resulting from loss of their homes through accident, natural disaster, or other physical causes. The period of occupancy permitted by this sub-section shall be limited to 6 months together with any additional period during which a valid building permit for construction of replacement living quarters may be in effect.
- (g) As temporary office space for a business enterprise during the period in which permanent office space is being constructed as to which a valid building permit has been issued.
- (h) As temporary living quarters for employees of itinerant businesses such as carnivals during the period when such businesses are actually being conducted within the city and in no case for longer than 30 days.

"Use" of Mobile Homes and Trailer Homes Defined

"Use" of mobile homes or trailer homes is hereby defined to mean occupancy while in a parked position for any purpose for which a private residence may be used including storage.

Parking of Mobile Homes

Off-street parking of any mobile home, office trailer, or trailer home which is more than 8½ feet wide or 25 feet long while not in use as herein provided for more than 72 hours unless inside a garage or other enclosed structure is prohibited except in Forest, Farming & Conservation, Flood Plain, and Rural Residential Districts or except where such mobile homes are being exhibited for sale by one who is in the business of selling mobile homes. In zones where such parking is permitted, mobile homes shall nevertheless be located so as to be obscured from ordinary view from any public highway.

In a Suburban Residence District bordering a Great Pond within 500 feet of high water mark, a summer camp or year round residence may be erected on a lot containing not less than 22,500 square feet and not less than 100 feet in the least dimension provided the foregoing area and dimension requirement shall not apply to a lot recorded on or before September 14, 1960.

9-E Yard Space

In all Residence Districts, there shall be provided on each lot open 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, and only as a variance under Article 5 of this chapter.

(a) Rear. There shall be behind every building a rear yard having a minimum depth of 25' or 25% of the average depth of lot, whichever is less.

(b) Side. There shall be minimum distance of 5' between any building and the side property line plus the side yard set back shall be increased 1' for every 5' or part thereof increase in street frontage over 50' to a maximum of 15' for side yard set back.

(c) Front. There shall be in front of every building a front yard having a minimum depth of 25' provided that no front yard need be any deeper than the average depths of the 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' shall be considered as having a front yard 25' deep. If average depth of lot is less than 100', the front yard need be no deeper than 25% of the average depth of the lot.

9-F Building Heights

One-family and two-family house structures shall not exceed two and one-half stories or thirty-five feet in height.

Limitations (application) The foregoing limitations of height in feet 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, penthouses, 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.

9-G Offstreet Parking and Loading

Refer to Article 20 Offstreet Parking and Loading Regulations.