



# **CITY OF AUBURN, MAINE MASTER DEVELOPMENT PLAN**

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## **DRAFT ZONING ORDINANCE**

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DEC 24, 1982

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**AUBURN DEPARTMENT OF COMMUNITY  
DEVELOPMENT PLANNING**

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## ARTICLE 3 - ZONING DISTRICT REGULATIONS

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#### 3.1 General Provisions

- A. Permitted Uses - In the zoning districts specified in this article and in Article 5, the designated buildings and alterations and extensions thereof and buildings accessory thereto and the designated uses of land, of buildings and of parts of land or buildings and the uses accessory thereto are permitted. Except as provided in this article, all other buildings and uses of land or of buildings are hereby expressly prohibited, except those already lawfully existing which by the operation of this provision would hereby become lawfully con-conforming.
- B. Buildings Per Lot - No more than one principal building shall be erected on any lot in residential zoning districts except in the case of multi-family buildings.
- C. Conversion of One-Family Dwellings - In all residential, general business and central business districts, one-family dwellings erected prior to January 1, 1958 may be converted to two-family dwellings provided that:
  - (1) Any floor space created by additions to the existing structure after January 1, 1958 shall not be converted to a second dwelling unit.
  - (2) There will not be less than one accessible off-street parking place of 200 square feet area, exclusive of driveways, per dwelling unit resulting from such conversion.
  - (3) Stairways leading to any floor above the first floor will be enclosed within the exterior walls of the dwelling and any fire escapes required will be on the rear or one side of the dwelling and not on any wall facing a street.

(4) After such conversion, the building converted will retain substantially the appearance and character of a one-family dwelling.

D. Lots in More Than One Jurisdiction - 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.

E. Lots in More Than One District - When 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 30 linear feet in depth (measured at a right angle to such boundary) into the lesser part by area of such lot so divided.

F. Minimum Lot Area Determined - In determining the minimum area of lot required in any zoning district, any land within the lines of the street upon which such lot abuts shall not be included, even if the fee to such street is in the owner of the lot with the following exception:

If a lot at a street corner is bounded in part by a curved exterior street line not more than eighty (80) feet in length connecting other exterior street lines bounding such lot which, if extended, would intersect, the area required in such lot shall be computed as if said line were extended. If such curved line is more than eighty (80) feet in length, the minimum area required in such lot shall be measured and computed entirely within the lines bounding such lot.

G. Undersized Lots - Abutting undersized lots under one ownership or joint ownership shall be considered as one lot.

Abutting conforming and undersized lots under one ownership or joint ownership shall be considered as one lot. However, this section shall not prevent the division of such a lot, provided that:

(1) The conforming lot is not reduced in any manner that violates any provision of this Chapter.

(2) All yard requirements are maintained.

H. Lot Area, Width and Depth Exception - The lot area, lot width and lot depth requirements of this chapter shall not apply to any lot which was lawfully laid out and duly recorded by plan or deed prior to September 14, 1960.

I. Reduction in Dimensional Regulations - No lot shall be reduced in any manner that violates any dimensional regulation of this chapter. If land be subdivided, conveyed, divided or otherwise transferred in violation hereof, no building permit or other permit shall be issued with reference to any of the land so

reduced until all such land or lots fulfill the dimensional regulations. Any land taken by eminent domain or conveyed for a public purpose shall not be deemed in violation of this provision.

- J. Lot of Record - Where used in this article, the word "lot" is interpreted to mean "lot of record" as defined in Article 2 of this chapter.
- K. Unsewered Lots - The minimum lot sizes specified in this chapter for residential districts are for lots having sanitary sewer service. No unsewered lots having an area less than 20,000 square feet shall be developed for residential dwelling purposes. This regulation does not reduce lot size requirements in residential districts having larger minimum lot sizes.
- L. Accessory Buildings and Structures - Except as otherwise noted, rear and side yard setbacks for accessory buildings and structures shall be 50 percent of the requirement for principal buildings, except that in no case shall the setbacks be reduced to less than 5 feet. The front yard setback shall be maintained. The maximum floor space of accessory buildings on lots under 2 acres is 800 square feet. On lots of over 2 acres, there is no maximum size.
- M. Conflicts - In any case in which a provision of one section of this chapter conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.
- N. Special Exceptions - The uses permitted in this chapter by Special Exception shall be reviewed and approved by the Planning Board in accordance with Article 7, Section 7.2 of this chapter and according to the standards and criteria contained therein. Expansion of permitted Special Exceptions is not allowed unless approval for the expansion has been reviewed and approved by the Planning Board under the same provisions as the original application.



### 3.2 Non-Conforming Buildings or Uses

- A. Continuance of Non-Conforming Building or Use - Any lawfully non-conforming building or structure and any lawfully non-conforming use of building or land may be continued in the same kind and manner and to the same extent as at the time it became lawfully con-conforming.
- B. Change, Extension or Enlargement of Non-Conforming Building or Use - The following provisions shall govern changes, extensions or enlargements of non-conforming buildings or uses:
1. A lawfully non-conforming use shall not be changed to a dissimilar use, extended or enlarged;
  2. A lawfully non-conforming residential building may not be enlarged beyond the size permitted by sideline, yard and height limitations generally in effect for buildings in said district, and not beyond the size limitations for residential buildings contained in any other provision of law;
  3. A lawfully non-conforming building, other than a residential building, may not be extended or enlarged.
  4. An existing non-conforming use, whether or not it has previously lapsed, may be authorized by the Planning Director to be changed to a similar non-conforming use upon application to and a finding that the following criteria are met:
    - (a) It would not be economically feasible to convert the property to a conforming use;
    - (b) The use proposed would have the same or less adverse impact on the neighborhood in terms of noise, odor, smoke, traffic, physical appearance and other similar conditions than the existing or lapsed non-conforming use; and
    - (c) Expenditures for any structural modifications to the property required to accommodate the new non-conforming use shall not exceed 50 percent of the assessed tax value of the property at the time of the change in use.
- C. Non-Conforming Building Use or Change of - Any non-conforming building or non-conforming use of building or land, whether or not granted by action of the Board of Appeals, may be changed to one conforming with all the Zoning Ordinance provisions of the district in which located, provided it shall thereafter continue to conform.
- D. Non-Conforming Use, Abandonment - If any non-conforming use of a building or of land be discontinued for a period of twelve consecutive months duration or more, it shall be presumed abandoned, such use shall not be resumed, and only a use conforming with Zoning Ordinance provisions in the zoning district in which located shall thereafter be made of such building or land, except as may be permitted otherwise under Section 3.2B.4 and 6.3C2 of this chapter.

- E. Damage to Non-Conforming Building - Any non-conforming building or structure destroyed or damaged by fire, lightning, wind or other natural disaster to the extent of 65 percent or more of the reproduction cost of the buildings or structures on the lot at the time of such damage shall not be rebuilt, repaired, reconstructed or altered except in conformance with all provisions of the underlying zoning district's regulations. A residence building on a full foundation in an Agriculture and Resource Protection district shall not be deemed non-conforming for the purpose of this paragraph.

### 3.3 Resource District

#### 3.31 Agriculture and Resource Protection District

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

#### B. Use Regulations

##### 1. Permitted Uses - The following uses are permitted:

- a. One-family detached dwellings accessory to farming operations subject to the following restrictions:
  - (1) No certificate of occupancy shall be issued for any such farm residence until the barns, live-stock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the Building Inspector are substantially completed.
  - (2) In no case shall any farm residence constructed under the provisions of this subsection after the effective date of this amended ordinance continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the Building Inspector.
- b. Buildings, equipment and machinery accessory to principle use including, but not limited to: barns, silos, storage buildings, and farm automobile garages.
- c. Forest products raised for harvest.
- d. Field crop farms.
- e. Row crop farms.
- f. Orchard farms.
- g. Truck gardens.

- h. Plant and tree nurseries.
  - i. Greenhouses.
  - j. Home occupations
  - k. Handling, storage and sale of agricultural produce and processed agricultural products derived from produce grown on the premises.
  - l. Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
  - m. Wayside stands.
2. Special Exception Uses - The following uses are permitted by Special Exception after approval by the Planning Board in accordance with the provisions of Article 7, Section 2:
- a. Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
    - (1) Sawmill and accessory activity shall not be detrimental to the neighborhood or the City by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
    - (2) Wood processing operations shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
    - (3) Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
  - b. Veterinary hospitals where operated by licensed veterinarians including offices and facilities for temporarily boarding animals.
  - c. Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
  - d. Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to non-farm residential use except by permission of the Planning Board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this section which finding and the conditions upon which such altered use may be continued shall be made a part of the permanent records.

- e. Recreational uses of land intended or designed for public use subject to the following conditions:
  - (1) No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the Planning Board in the manner and upon the same terms as approvals were granted of initial recreational uses.
  - (2) Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the Planning Board shall grant reasonable extension of time where good cause for the failure to complete is shown.
- f. Any legally non-conforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
  - (1) Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning ordinance provisions which would otherwise be applicable except for the provisions of Section 5.4 of this chapter.
  - (2) In cases where no minimum set-back is established by Section 5.4, an open yard space of at least 10 feet between the building as reconstructed and each of the property lines shall be maintained.
- g. Rifle, pistol, skeet or trap shooting ranges, public or private.
- h. Cemeteries, subject to the following conditions:
  - (1) At least 20 acres in area.
  - (2) Not located in any environmental overlay district or over any known aquifer.
- i. Municipal sanitary landfill, subject to the following conditions:
  - (1) Not located in any environmental overlay district or over any known aquifer.
  - (2) Provisions shall be made to avoid surface and groundwater pollution.
  - (3) Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.

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

(a) Every such tower shall be installed in a location and manner that assures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.

(b) In no case shall such tower be located less than one and one-half times its height from the nearest property line.

C. Dimensional Regulations - All structures in this district, except as noted shall be subject to the following dimensional regulations:

1. Minimum Lot Area, Width and Depth - No building shall be erected on a lot containing less than 10 acres; exclusive of any bodies of water having a surface area of 1/4 acre or more; and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.

A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This subsection shall not be construed to prevent the construction of non-residential accessory farm buildings on any such lot.

On legally non-conforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar size animals for domestic use of the residents of the lot is permitted provided that:

(a) Lot size for animal farms must contain at least the following, excluding water bodies of one-quarter (1/4) acre surface area or larger:

(1) Cattle - 1 cattle per acre of cleared hay/pasture land.

(2) Horse - 1.5 horses per acre of cleared hay/pasture land.

(3) Swine - 2 swine per acre of cleared land.

(4) Sheep - 3 sheep per acre of cleared hay/pasture land.

(5) Other animal farms - The required lot size shall be determined by the Building Inspector or Zoning Officer and shall conform to the lot size for similar size animals.

The lot area and lot width requirements imposed by this subsection, shall not apply to any lot which was lawfully laid out and duly recorded by plan or deed prior to December 16, 1974. The lot area and lot width requirements shall apply, however, to undersized lots adjacent to each other under one owner if the collective area and width of these undersized lots is as large or larger than the minimum requirements for a single lot.

2. Density - The density of year round dwelling units shall not exceed an average of one dwelling per ten acres.

3. Yard Requirements

a. Rear - There shall be behind every building a rear yard having a minimum depth of 25 feet.

b. Side - There shall be a minimum distance of 15 feet between any building and the side property line.

c. Front - There shall be in front of every building a front yard having a minimum depth of 25 feet 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 feet shall be considered as having a front yard 25 feet deep. If average depth of lot is less than 100 feet, the front yard need be no deeper than 25 percent of the average depth of the lot.

4. Height - The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height.

Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

5. Off-Street Parking - Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in Article 4 of this chapter.

### 3.4 Residential Districts

#### 3.41 Rural Residence (RR)

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

#### B. Use Regulations

##### 1. Permitted Uses - The following uses are permitted:

- a. All uses permitted in the Agriculture and Resource Protection District (Section 3.31B.1).
- b. One-family detached dwellings.
- c. Two-family dwellings.
- d. Attached single-family dwellings, provided that they are approved by the Planning Board as part of a planned residential unit development under the provisions of Section 4.5 of this article and as a subdivision under Chapter 23.
- e. Mobile Home Parks, subject to the requirements and conditions of Chapter 29A, Mobile Home Park Regulations, and Chapter 23, Auburn Subdivision Ordinance.
- f. Licensed veterinarians provided that the lot is of at least 3 acres.
- g. Schools.
- h. Libraries.
- i. Museums.
- j. Churches or temples.
- k. Municipal uses.
- l. Home occupations.
- m. Wayside stands.
- n. Accessory uses, buildings or structures.

##### 2. Special Exception Uses - The following uses are permitted by special exception after approval by the Planning Board in accordance with the provisions of Article 7, Section 7.2:



- a. Radio, radar, television and radio-telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
  - (1) Every such tower shall be installed in a location and manner that assures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
  - (2) In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- b. Hospitals, care homes, lodging houses, and boarding houses; provided that:
  - (1) Adequate off-street parking is provided that meets the requirements of Article 4, Section 1 of this Ordinance.
  - (2) Adequate access for fire equipment is provided.
  - (3) There is no more than one, 2 square foot, non-illuminated sign display or advertising on a dwelling used as a lodging or boarding house or on its lot.
  - (4) There are no conditions created by the proposed use that will affect adversely the use and/or development of adjacent properties in the neighborhood.
  - (5) Nothing in this subsection shall limit the housing and feeding of seasonal agricultural workers on or near the premises where employed for the duration of the season employed.
- c. Recreational uses of land intended or designed for public use subject to the following conditions:
  - (1) No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the Planning Board in the manner and upon the same terms as approvals were granted of initial recreational uses.
  - (2) Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the Planning Board shall grant reasonable extension of time where good cause for the failure to complete is shown.
- d. Child day care centers.

e. Cemeteries, provided that:

- (1) At least 20 acres in area.
- (2) Not located in any environmental overlay district or over any known aquifer.

f. Community based residential facilities, provided that:

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

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

h. Training schools.

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

C. Dimensional Regulations - All structures in this district, except as noted shall be subject to the following dimensional regulations:

1. Minimum Lot Area, Width and Depth - No building shall be erected on a lot containing less than 43,560 square feet; and measuring less than 250 feet in width at the street frontage. No lot shall be less than 150 feet in depth.

The keeping of horses, mules, cows, goats, sheep, hogs, and similar size animals for domestic use of the residents of the lot is permitted provided that:

- (a) Lot size for animal farms must contain at least the following, excluding water bodies of one-quarter ( $\frac{1}{4}$ ) acre surface area or larger:
  - (1) Cattle - 1 cattle per acre of cleared hay/pasture land.
  - (2) Horse - 1.5 horses per acre of cleared hay/pasture land.
  - (3) Swine - 2 swine per acre of cleared land.
  - (4) Sheep - 3 sheep per acre of cleared hay/pasture land.
  - (5) Other animal farms - The required lot size shall be determined by the Building Inspector or Zoning Officer and shall conform to the lot size for similar size animals.

2. Density - The density of dwelling units shall not exceed an average of one dwelling per acre.

3. Yard Requirements

- (a) Rear - There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent

of the average depth of lot, whichever is less.

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

- 4. Height - The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height.

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

- 5. Off-Street Parking - Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in Article 4 of this chapter.

### 3.42 Suburban Residence (SR)

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

#### B. Use Regulations

1. Permitted Uses - The following uses are permitted:

- (a) One-family detached dwellings.
- (b) Two-family dwellings.
- (c) Attached single-family dwellings, provided that they are approved by the Planning Board as part of a planned residential unit development under the provisions of Section 4.5 of this article and as a subdivision under Chapter 23.
- (d) Mobile Home Parks, subject to the requirements and conditions of Chapter 29A, Mobile Home Park Regulations, and Chapter 23, Auburn Subdivision Ordinance.
- (e) Schools.
- (f) Libraries.
- (g) Museums.
- (h) Churches or temples.
- (i) Municipal use.
- (j) Farming of field crops, row crops, orchards or truck gardens
- (k) Plant and tree nurseries and greenhouses, provided no products are sold on the premises.
- (l) Licensed veterinarian, provided that the lot containing same is of at least 3 acres.
- (m) Animal farms provided that:
  - (1) Lot size for animal farms must contain at least the following, excluding water bodies of one-quarter (1/4) acre surface area or larger:
    - a. Cattle - 1 cattle per acre of cleared hay/pasture land.
    - b. Horse - 1.5 horses per acre of cleared hay/pasture land.

- c. Swine - 2 swine per acre of cleared land.
- d. Sheep - 3 sheep per acre of cleared hay/pasture land.
- e. Other animal farms - The required lot size shall be determined by the Building Inspector or Zoning Office and shall conform to the lot size for similar size animals.

(2) A site plan be submitted to the Building Inspector or Zoning Officer that contains the following information:

- a. Name and address of owner and developer; and interest of the applicant if other than the owner or developer.
- b. Scale and north point.
- c. Names and addresses of all owners of record of all adjacent property as appear on Assessor's records.
- d. Current zoning boundaries, including surrounding areas to a distance of 300 feet from the perimeter of the site.
- e. Location of watercourses, wetlands, marshes, surface water, rock outcroppings, wooded areas, single trees with a diameter of 10 inches measured 3 feet from the base of the trunk, and areas subject to 100-year flood.
- f. Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of 100 feet from the property line, indicating whether existing buildings on the tract are to be retained, modified or removed.
- g. Locations of water mains, wells, fire hydrants, culverts, drains, pipe sizes, grades and direction of flow existing within 200 feet of the subject property.
- h. Locations of proposed buildings and uses thereof
- i. A proposed drainage system plan, both surface and subsurface, showing measures proposed to prevent pollution of surface or groundwater, soil erosion, increased runoff, changes in groundwater level and flooding.
- j. Existing and proposed planting, fences and walls including all landscaping and screening, and indicating existing trees to be retained and areas to be left undisturbed, including design features intended to integrate the proposed

new development into the existing landscape to enhance aesthetic assets and to screen objectionable features from neighbors.

k. Disposal of sewage, trash and other solid waste showing disposal facilities, receptacles or areas.

(3) Upon request, the Building Inspector or the Zoning Officer may waive the necessity of providing any of the foregoing information which is not relevant to the proposed development.

(n) Home Occupations.

(o) Wayside stands for the sale of agricultural produce grown on the premises.

(p) Accessory uses, buildings or structures.

2. Special Exception Uses - The following uses are permitted by special exception after approval by the Planning Board in accordance with Article 7, Section 7.2:

(a) All uses permitted by special exception in the Rural Residence (RR) District, (Section 3.41 of this Chapter), services, equipment, and supplies except for handling, storage and sale of agricultural accessory to the farming use.

C. Dimensional Regulations - All structures in this district, except as noted, shall be subject to the following dimensional regulations:

1. Minimum Lot Area, Width and Depth - No building shall be erected on a lot containing less than 21,780 square feet; and measuring less than 150 feet in width at the street frontage. No lot shall be less than 125 feet in depth.

2. Density - The density of dwelling units shall not exceed an average of two dwellings per acre.

3. Yard Requirements

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

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

- (c) Front - There shall be in front of every building a front yard having a minimum depth of 25 feet 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 feet shall be considered as having a front yard 25 feet deep. If average depth of lot is less than 100 feet, the front yard need be no deeper than 25 percent of the average depth of the lot.
- 4. Height - The height of all structures shall be limited to two and one-half stories or 35 feet in height with the following exceptions:
  - (a) A farm accessory building or structure, church or temple, or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- 5. Off-Street Parking - Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in Article 4 of this Chapter.

### 3.43 Urban Residence (UR)

- A. Purpose - This district is intended to provide for, protect and stabilize medium density urban residential areas of single and two-family detached dwellings and their adjunct public and institutional uses. It is designed to assure a family living environment in an urban setting through lot size requirements that provide adequate yard space for family outdoor activity and play space for children.
- B. Use Regulations
1. Permitted Uses - The following uses are permitted:
    - (a) One-family detached dwellings.
    - (b) Two-family dwellings.
    - (c) Attached single-family dwellings, provided that they are approved by the Planning Board as part of a planned residential unit development under the provisions of Section 4.5 of this article and as a subdivision under Chapter 23.
    - (d) Home occupations.
    - (e) Accessory uses, buildings or structures.
    - (f) Schools.
    - (g) Libraries.
    - (h) Museums.
    - (i) Churches or temples.
    - (j) Municipal uses.
    - (k) Farming of field crops, row crops, orchards or truck gardens.
    - (l) Tree nurseries and greenhouses provided no products are sold on the premises.
  2. Special Exception Uses - The following uses are permitted as special exceptions after approval by the Planning Board in accordance with Article 7, Section 7.2:
    - (a) All uses permitted by special exception in the Rural Residence (RR) District (Section 3.41 of this chapter), except radio, radar, television and radio-telephone transmitting towers.
- C. Dimensional Regulations - All structures in this district, except as noted shall be subject to the following dimensional regulations:



1. Minimum Lot Area, Width and Depth - No building shall be erected on a lot containing less than 10,000 square feet. No lot shall measure less than 100 feet in width at the street frontage, and 100 feet in depth. No two-family dwelling shall be erected on a lot containing less than 14,500 square feet.
2. Density - The density of single-family detached dwelling units shall not exceed four units per acre. The density of two-family dwelling units shall not exceed six units per acre.
3. Yard Requirements
  - (a) Rear - There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.
  - (b) Side - There shall be a minimum distance of 5 feet between any building and the side property line plus the side yard set back shall be increased 1 foot for every 5 feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard set back.
  - (c) Front - There shall be in front of every building a front yard having a minimum depth of 25 feet 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 feet shall be considered as having a front yard 25 feet deep. If average depth of lot is less than 100 feet, the front yard need be no deeper than 25 percent of the average depth of the lot.
4. Height - The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height with the following exceptions:
  - (a) A farm accessory building or structure, church or temple, or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
5. Off-Street Parking - Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in Article 4 of this chapter.

### 3.44 Multi-Family Residence (MR)

A. Purpose - This district is intended to stabilize and protect medium to high density residential areas by providing for a varied denser urban pattern made suitable to the needs of the population by encouraging a range of dwelling types. This multi-family zone has a maximum density of 17 dwelling units per net acre and permits a maximum building height of 75 feet, yet retains the open character of residential areas by requiring 50 percent green space. It is intended that this district will provide the maximum possible freedom in the design of structures and their grouping and will encourage flexible and imaginative layouts and designs.

#### B. Use Regulations

##### 1. Permitted Uses - The following uses are permitted:

- (a) One family detached dwellings.
- (b) Two-family dwellings.
- (c) Three-family and four-family dwellings.
- (d) Attached single-family dwellings if approved by the Planning Board as part of a planned residential unit development under the provisions of Section 4.5 of this article and as a subdivision under Chapter 23.
- (e) Home occupations.
- (f) Schools.
- (g) Libraries.
- (h) Museums.
- (i) Churches or temples.
- (j) Municipal uses.
- (k) Farming of field crops, row crops, orchards, truck garden
- (l) Tree nurseries and greenhouses provided no products are sold on the premises.
- (m) Accessory uses, buildings or structures.

##### 2. Special Exception Uses - The following uses are permitted as special exceptions after approval by the Planning Board in accordance with Article 7, Section 7.2:

- (a) Multi-family (five or more units) dwellings, horizontal townhouses, garden (up to three-story) and high rise (four to six-story) apartment buildings.
- (b) All uses permitted by special exception in the Rural Residence (RR) District (Section 3.41 of this chapter),

except radio, radar, television and radio-telephone transmitting towers.

(c) Off-street parking lot, provided that:

- (1) Such parking is limited to occupants of buildings located within five hundred (500) feet of such parking area whether or not within the same zone.
- (2) Reasonable conditions imposed by the Planning Board regarding location, fencing, screening, drainage, ingress and egress, signs and lighting and total capacity of the parking area designed to protect the residential character of the neighborhood are met.

(d) Medical and dental clinics.

C. Dimensional Regulations - All structures in this district, except as noted, shall be subject to the following dimensional regulations:

1. Minimum Lot Area, Width and Depth - For each building erected there shall be provided lot areas as follows:

- (a) Buildings housing one family: 10,000 square feet minimum lot area, not less than 100 feet width at street frontage and 100 feet in depth.
- (b) Buildings housing two families: 12,500 square feet minimum lot area, not less than 100 feet width at street frontage and 125 feet in depth.
- (c) Buildings housing three families: 15,000 square feet minimum lot area, not less than 100 feet width at street frontage and 150 feet in depth.
- (d) Buildings housing four families: 17,500 square feet minimum lot area, not less than 100 feet width at street frontage and 175 feet in depth.
- (e) Multi-family buildings: 10,000 square feet for the first dwelling unit and 2,500 square feet for each additional dwelling unit. More than one principal building per lot is allowed.

2. Density - The following maximum densities per acre shall apply, according to housing type:

One-family:	four units per acre
Two-family:	six units per acre
Three-family:	nine units per acre
Four-family:	ten units per acre
Multi-family:	seventeen units per acre

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

spaces, driveways, or common roads. For townhouse projects, the green area of individual lots may be counted toward the 50 percent green space requirement of the project. Net acreage shall include all land contained within the project except dedicated streets or street rights-of-way shown on the City's adopted Master Development Plan or proposed to be so included within a reasonable period of time.

3. Yard Requirements - The following yard requirements shall apply to all building types except multi-family:
  - (a) Rear - There shall be, behind every building, a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.
  - (b) Side - There shall be a minimum distance of 5 feet between any building and the side property line plus the side yard set back shall be increased 1 foot for every 5 feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard set back.
  - (c) Front - There shall be in front of every building a front yard having a minimum depth of 25 feet 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 feet shall be considered as having a front yard 25 feet deep. If average depth of lot is less than 100 feet, the front yard need be no deeper than 25 percent of the average depth of the lot.
  - (d) Principle Buildings - More than one principle building may be erected on a lot, provided that the building(s) meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
4. Height - The height of all structures shall be limited to two and one-half stories or 35 feet, except as follows:
  - (a) Multi-family buildings shall have a maximum height of 75 feet from grade.
  - (b) A church or temple or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
5. Off-Street Parking - Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in Article 4 of this Chapter.

### 3.5 Mixed Use District

#### 3.51 Cluster Development (CD)

- A. Purpose - The purpose of this district is to accommodate increased demand for commercial space in a planned manner, to promote the clustering of compatible activities on larger undeveloped tracts of land, to provide for more innovative uses of space through the site plan review process, and to reduce turning movement conflicts and related accidents along arterial streets.
- B. Use Regulations
1. Permitted Uses - The following uses are permitted provided that such uses are conducted on lots which shall have a frontage of not less than 250 feet when the frontage is along an arterial street, nor less than 150 feet when the frontage is along a street other than an arterial, and comply with the design requirements established by subsection 3.51.D below.
    - (a) One-family dwellings.
    - (b) Two-family dwellings.
    - (c) Home occupations.
    - (d) Commercial activities entirely within an enclosed building whose primary business involves the retail sale of merchandise (including, but not limited to, food and beverages consumed either on or off the premises) to the public. The outside storage or display of business equipment or merchandise during normal hours of business operation is permitted.
    - (e) Professional office activities, conducted entirely within an enclosed building, which provides services which include, but are not limited to: insurance, health services, social, psychological, real estate, design, finance, and/or consulting. The transaction of business through a service window or similar appurtenance is permitted.
    - (f) Personal services, conducted entirely within an enclosed building, which include, but which are not limited to: recreation, tailoring, laundromats, barbering/hair styling, and/or small appliance repair. The transaction of business through a service window or similar appurtenance is permitted.
    - (g) Accessory uses, buildings and structures.
  2. Special Exception Uses - The following uses are permitted after approval by the Planning Board in accordance with Article 7, Section 7.2, but only upon approval by the Planning Board of a site plan meeting the requirements of Subsection 3.51E below:

- (a) Any permitted use which is situated on a lot of less than 250 feet in width measured along its street frontage if such frontage is along an arterial street, but otherwise conforms to the basic requirements as set forth in this article.
- (b) Multi-family dwellings.
- (c) Kennels and animal boarding places.
- (d) Veterinary clinics and hospitals.
- (e) Schools.
- (f) Libraries.
- (g) Museums.
- (h) Churches or temples.
- (i) Municipal or other governmental uses except dumps.
- (j) Mobile home parks subject to the requirements and conditions of Chapter 29A of this ordinance.
- (k) Hotels and motels.
- (l) Radio and television studios.
- (m) Automobile filling stations.
- (n) Private clubs and lodges.
- (o) Child day-care centers and/or nurseries.
- (p) Car washes.
- (q) Temporary open air markets.
- (r) Extraction and/or mining, subject to the requirements of the Excavation Permit Regulations Ordinance of the City of Auburn.
- (s) Hospitals, care homes, boarding and lodging houses, under conditions listed in Subsection 3.41.B.2.(b).
- (t) Any otherwise permitted retail activity which requires incidental permanent outdoor storage, defines as the keeping of merchandise, equipment or other materials beyond normal hours of business operation outside of a structure for which a building permit has been issued.

3. Prohibited Uses - The following uses are prohibited:

- (a) Automotive and marine sales and showrooms.
- (b) Automotive and marine repair garages.

- (c) Automotive and marine body repair shops.
- (d) Commercial agriculture from which an individual derives more than 50 percent of his/her annual income.
- (e) The keeping, breeding, and/or raising of animals for sale (other than that which may be allowed as a retail pet sales, kennel or veterinary hospital activity under a special exception permit).
- (f) Manufacturing and/or fabrication.
- (g) Slaughterhouses and/or rendering plants.
- (h) Commercial outdoor recreation.
- (i) Wholesale establishments.
- (j) Junk yards.
- (k) Trucking companies, depots, transfer stations, and/or storage yards.
- (l) Equipment storage yards and warehouses.
- (m) Cleaning plants.
- (n) Commercial printing plants.
- (o) Drive-in restaurants and/or theaters.
- (p) Any otherwise permitted commercial activity will be prohibited from locating within a platted residential subdivision except as part of a Planned Residential Unit (CR) development under Section 3.5 of this Article.

C. Dimensional Regulations - All structures within this district, except as noted, shall be subject to the following dimensional regulations:

1. Minimum Lot Area, Width and Depth

(a) Minimum Lot Area - No building shall be erected on a lot containing less than 50,000 square feet.

(b) Minimum Lot Width

(1) Each lot which has frontage along an arterial street within a Cluster Development District shall have a minimum width of 250 feet at the street frontage. Arterial streets shall be designated at the time a Cluster Development District's boundaries are determined. Designation shall be consistent with Federal Highway Administration and Maine Department of Transportation functional classification of Major and Minor Arterial Streets within Auburn.

(2) Each lot which has frontage along a street other

than an arterial street shall have a minimum width of 150 feet at the street frontage.

- (c) Minimum Lot Depths - Each lot shall have a minimum depth of 200 feet.

2. Density

- (a) The density of dwelling units shall not exceed 15 units per acre.
- (b) Not less than 50 percent of the net acreage shall be devoted to green area.
- (c) Maximum lot coverage by all impervious surfaces excluding pedestrian walks and residential patios, shall be 50 percent.
- (d) Maximum building coverage shall be 10 percent. Maximum building coverage may be increased up to a total of 40 percent of the lot area upon approval of an acceptable site development plan by the Planning Board.

3. Yard Requirements

- (a) Front - The minimum front yard setback shall be 50 feet.
- (b) Side - The minimum side yard setback shall be 25 feet.
- (c) Rear - The minimum rear yard setback shall be 50 feet.
- (d) Projections

- (1) No covered porch may project into any required yard.
- (2) Architectural features, such as stairs, windowsills, belt courses, chimneys, cornices, eaves, or bay windows may project not more than three feet into any required yard setback.

4. Height - The building height limit shall be two stories or 35 feet, measured at grade, whichever is the lesser amount.
5. Off-Street Parking and Loading - Off-street parking and loading spaces shall be provided in accordance with requirements for specific uses and the general provisions as set forth in Article 4 of this Chapter.

D. Design Requirements - Any permitted or special exception use hereafter made of land, or of buildings through construction, or structural alteration, or relocation from another lot, shall comply with the following design requirements:

1. Screening - Any activity other than single-family and two-family residences shall provide for screening along any lot line adjacent to either a residential zone or a single-family or two-family residence.



- (a) Screening shall be accomplished by the planting of hedge or buffer consisting of densely planted ever-green shrubs or trees maintained by the owner or occupant to create a visual screen at all times; or by the installation of a wall, barrier, or fence of wood, metal, stone, masonry, or other suitable material, uniformly constructed and maintained to provide effective visual separation.
  - (b) Any outside storage (including refuse) area shall be screened from public view and from adjacent property.
  - (c) The minimum height of screening required shall be six feet at the affected lot line measured from a ground elevation base located one foot beyond the affected lot line.
- 2. Lighting - Lighting intended to illuminate any outdoor area, or the outside of any building, shall be directed onto the property served by lighting constructed so that no discernible illumination or glare will be evident from any residence located on adjacent properties.
- 3. Access - Access to lots shall be governed by the following restrictions:
  - (a) Access to lots containing any permitted use and for which a street opening permit is required, shall conform to the requirement of Article 13.1 of Chapter 2 of these ordinances.
  - (b) Access to lots for which a site plan is required or which is otherwise submitted shall conform either to the requirements of Article 13.1 of Chapter 2 or to Article 3 of Chapter 23, whichever is the more appropriate under the circumstances.
  - (c) Access to lots through a street opening, the nearest point of which is located closer than 150 feet to the intersection of two streets, one of which is an arterial street, or closer than 75 feet to such an intersection when neither is an arterial street, is prohibited.
- 4. Landscaping - All non-paved surfaces shall be stabilized and seeded or otherwise covered with perennial plantings by the owner or occupant.
- E. Site Plan Approval - Site plan approval by the Planning Board shall be required before any owner or occupant of land may initiate any land use under the provisions of this district's use regulations (Subsection 3.51.B above). Initiating a use includes constructing or expanding a structure or changing the use of land or of a structure thereon. Site plan approval shall not be required with respect to a change in ownership when the use does not also change. Uses for which site plan approval is not otherwise required but for which the maximum lot and/or building coverages are requested shall also be submitted for

site plan approval. Site plan application review and approval shall conform to the requirements of Article 7, Section 7.1 of this chapter.

Note:

- N'hood Districts not allowed along Main Routes
- Not allow spinoff of new uses on property already zoned N'hood Business

### 3.6 Commercial Districts

#### 3.61 Neighborhood Business (NB)

- A. Purpose - This district is intended to provide for the daily convenience shopping and business needs of nearby residents and contains those retail, service and office uses which serve primarily a neighborhood population.
- B. Use Regulations
1. Permitted Uses - The following uses are permitted, provided that the business use(s) be limited to the ground floor and/or basement and that the gross building area devoted to business use, excluding storage, does not exceed 3,000 square feet.
    - (a) Residential dwellings at the same density as permitted in any abutting residential district.
    - (b) Shoe repair shops, beauty parlors, barber shops, self-service and pick-up laundries and dry cleaners.
    - (c) Churches or temples.
    - (d) Municipal, civic, or public service buildings.
    - (e) Public and private parks, playgrounds.
    - (f) Public transportation passenger stations.
    - (g) Outdoor storage that is customarily incidental to and accessory to the foregoing, provided that:
      - (1) Such use shall not be noxious, injurious, offensive, dangerous or detrimental to the neighborhood.
      - (2) Refuse disposal containers shall be screened so as not to be visible from normal eye level.
  2. Special Exception Uses - The following uses are permitted as special exceptions after approval by the Planning Board in accordance with Article 7, Section 7.2.
    - (a) Automobile parking lots and garages, commercial and public, provided that they shall be at least 10 feet from any residential district boundary and that the set back area be landscaped.
    - (b) Public utility uses, such as electric substations and offices, excluding the storage of material and trucks; and repair facilities.
    - (c) Grocery stores, convenience food stores, drug stores, variety stores and bakeries, provided that goods baked on the premises shall be sold only on the premises and at retail.

C. Dimensional Regulations - All structures in this district, except as noted, shall be subject to the following dimensional regulations:

1. Minimum Lot Area, Width and Depth - No minimum shall be applied to buildings in this district.
2. Density - The maximum lot coverage by all buildings shall be 40 percent.

3. Yard Requirements

- (a) Rear - There shall be behind every principal building a rear yard having a minimum depth of 35 feet or 20 percent of the average depth of the lot, whichever is less.
- (b) Side - There shall be a distance of five feet between any principal building and the side property line, plus the side yard set back shall be increased one foot for every four feet or part thereof increase in street frontage over 49 feet to a maximum of 25 feet for side yard set back.
- (c) Front - There shall be in front of every principal building a front yard having a minimum depth of 25 feet or 15 percent 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 more than 25 feet shall be considered as having a front yard of 25 feet.
- (d) 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 ten feet wide shall be maintained open and green; not built on, paved, or parked on, all along each property line that abuts land residentially zoned.

4. Height - No permitted structures shall exceed two stories or 35 feet in height.

A public building, church or temple, or accessory building or structure may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.

5. Off-Street Parking and Loading - No off-street parking or loading requirements shall apply in this district, except as to any parking and loading area(s) required as a condition of Site Plan approval.

3.62 General Business (GB)

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

B. Use Regulations

1. Permitted Uses - The following uses are permitted:

- (a) Residential dwelling uses permitted by Subsection 3.44 of this article.
- (b) All uses permitted in the Neighborhood Business District (NB).
- (c) Clothing stores.
- (d) Furniture stores.
- (e) Department stores.
- (f) Specialty shops.
- (g) Hotels and motels.
- (h) Funeral homes and mortuaries.
- (i) Child day care centers.
- (j) Medical and dental clinics.
- (k) Wholesale bakeries.
- (l) Retail laundries and dry cleaners, but not plants.
- (m) Banks, business and professional offices.
- (n) Public transportation passenger stations.
- (o) Governmental offices.
- (p) Municipal, civic or public service buildings.
- (q) Warehouses and wholesale offices, salesrooms and show-rooms.
- (r) Restaurants, bars, dining or lunch room, but not to include drive-in and carry-out restaurants.
- (s) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theatres and similar places of indoor amusement or recreation.
- (t) Animal hospital and pet shops, but not kennels.

- (u) Repair and business services.
- (v) Radio and television studios.
- (w) Printing shops, but not publishing plants.
- (x) Retail, service, office and commercial uses similar to the foregoing.
- (y) Car washes.
- (z) Accessory uses, building and structures.

2. Special Exception Uses - The following uses are permitted as special exceptions after approval by the Planning Board in accordance with Article 7, Section 7.2:

- (a) Automobile filling stations.
- (b) Automobile repair and service stations.
- (c) Automobile sales lots and sales and service agencies for new and used cars.
- (d) Automobile paint and body repair shops.
- (e) Hospitals, care homes, boarding and lodging houses, under conditions listed in Subsection 3.41 2(b).
- (f) Research or philanthropic institutions.
- (g) Outdoor theaters.
- (h) Drive-in or carry-out restaurants.
- (i) Commercial parks and outdoor places of amusement.
- (j) Sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers, and machine equipment.
- (k) Shopping centers and shopping malls.
- (l) Off-street parking as a commercial or municipal use provided that such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same district. In approving any such use, the Planning Board 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.

3. Dimensional Regulations - All structures in this district, except as noted, shall be subject to the following dimensional regulations:



- (a) Minimum Lot Width and Depth - Each lot shall have a minimum of 100 feet in width and 100 feet in depth.
- (b) Density - Not more than 30 percent of the total lot area shall be covered by buildings.
- (c) Yard Requirements
  - (1) Rear - There shall be behind every building a rear yard having a minimum depth of 35 feet or 20 percent of the average depth of the lot, whichever is less.
  - (2) Side - There shall be a distance of five feet between any building and the side property line, plus the side yard setback shall be increased one foot for every four feet or part thereof increase in street frontage over 49 feet to a maximum of 25 feet for side yard setback.
  - (3) Front - There shall be in front of every building a front yard having a minimum depth of 25 feet or 15 percent 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 more than 25 feet shall be considered as having a front yard of 25 feet.
  - (4) Principal buildings - More than one principal building may be erected on a lot, provided that the building(s) meet all yard set back requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
  - (5) Railroad Tracks - Where the principal use requires access to a railroad, the yard requirements are disregarded for the side(s) of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.
- (d) Height - No permitted structure shall exceed seven stories or 75 feet in height, except in the Airport Approach Zone where Federal Aviation Administration regulations shall apply.
- (e) Off-Street Parking - Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in Article 4 of this Chapter.



### 3.63 Central Business (CB)

- A. Purpose - This district is intended to provide for the diversity of uses appropriate to and compatible with the City's historic center and central business district. It seeks to preserve and promote the variety of interrelated uses present in or appropriate to the district: a citywide and regional marketplace, light industry area, medium to high density residential environment and major focus of governmental, civic, meeting, entertainment and cultural activity.
- B. Use Regulations
1. Permitted Uses - The following uses are permitted:
    - (a) All uses permitted in the General Business (GB) District
    - (b) All uses permitted in the Multi-Family (MR) District, with the exception of farming, tree nurseries and greenhouses.
  2. Special Exception Uses - The following uses are permitted as special exceptions after approval by the Planning Board in accordance with Article 7, Section 7.2:
    - (a) Any use permitted by Special Exception in the General Business (GB) District except: automobile sales lots and service agencies, automobile scrap yards, outdoor theaters, automobile paint and body repair shops, commercial parks and outdoor places of amusement and sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers and machine equipment, drive-in and carry-out restaurants.
    - (b) Any use permitted by Special Exception in the Multi-Family (MR) District.
    - (c) Light industrial plants whose main processes involve assembly of prefabricated parts and which will not create a nuisance by noise, vibration, smoke, odor or appearance.
- C. Dimensional Regulations - All structures in this district, except as noted, shall be subject to the following dimensional regulations:
1. Minimum Lot Width and Depth - No minimums shall be applied to buildings in this district.
  2. Density - Not more than 80 percent of the total lot area shall be covered by buildings.
  3. Yard Requirements
    - (a) Rear - There shall be behind every building a rear yard having a minimum depth of 35 feet or 20 percent of the average depth of the lot, whichever is less.

- (b) Side - None required, but if provided, there shall be a distance of five feet between any building and the side property line.
  - (c) Front - None required unless the structures on adjacent lots have front yard setbacks in which case the front yard need not be any deeper than the average depth of front yards on the lots next thereto on either side. A lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.
  - (d) Principal Buildings - More than one principal building may be erected on a lot provided that the building(s) meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
  - (e) Railroad Sidings - Where the requirements of a railroad siding exist, 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 setback acceptable to the railroad shall take precedence.
4. Height - No permitted structures shall exceed seven stories or 75 feet in height.
5. Off-Street Parking - Provisions for off-street parking shall not be required in the CB District, except for dwellings, hotels, motels, boarding and lodging houses, tourist homes and drive-in and carry-out restaurants. For such uses, off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in Article 4 of this chapter.

### 3.7 Industrial Districts

#### 3.71 Industrial (ID)

A. Purpose - This district is intended to provide for those manufacturing, processing, transportation and storage uses which should be separated from other uses by reason of characteristics which may conflict with other uses. The exclusion of residential and commercial uses is intended to promote the economic welfare of the City by reserving especially suited areas for industry.

#### B. Use Regulations

1. Permitted Uses - The following uses are permitted; provided that the use proposed will not be noxious, offensive or detrimental to the neighborhood or to the City by reason of danger of fire or explosion; pollution of waterways or groundwater; vibration; emission of corrosive, toxic or unhealthful fumes, gas, smoke, soot, obnoxious dust, disagreeable odors, offensive noises or other objectionable characteristics.
  - (a) Farming of field crops, row crops, orchards and truck gardens.
  - (b) Plant and tree nurseries and greenhouses; on-premise sales permitted.
  - (c) Farm dwellings on premises actively farmed.
  - (d) Financial institutions.
  - (e) Office buildings.
  - (f) Post offices.
  - (g) Telephone exchanges or telephone business offices.
  - (h) Public transportation passenger stations.
  - (i) Churches or temples.
  - (j) Municipal uses and governmental buildings.
  - (k) Airports.
  - (l) Wholesale businesses, warehouses, trucking terminals and similar non-processing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.
  - (m) Manufacture, compounding, processing or packaging of foods and food products, except uses approved by resolution of the City Council following review and recommendation of the Planning Board in the same manner as a Special Exception

- (n) Manufacture, compounding or assembling of articles using the following prepared materials: bone or shell, cellophane, fur, glass, leather, plastics, precious or semi-precious metals or stones, rubber, textiles or cloth products, tobacco, or wood or wood products.
- (o) Manufacture of ceramic products, brick and cinder blocks.
- (p) Manufacture or assembling from prepared material of the following: musical instruments, clocks or watches, toys or novelties, electrical devices, light sheet metal products, office equipment.
- (q) Building material sales yard and contractor's equipment storage yard and plant.
- (r) Research, experimental or testing laboratories.
- (s) Lumber yard, including planing, milling and other processing.
- (t) Ice manufacturing and storage plant.
- (u) Beverage bottling plants.
- (v) Public utilities uses, such as electric substations, storage of material and trucks, repair facilities, offices and electric generating plants.
- (w) Accessory uses and buildings, including but not limited to:
  - (1) Retail sales of products manufactured on the premises.
  - (2) Dwellings used as living quarters for caretakers or watchmen and their families.
- (x) Uses similar to the above and not elsewhere named in the following subsections.

2. Special Exception Uses - The following uses are permitted as special exceptions after approval by the Planning Board in accordance with Article 7, Section 7.2; upon determination that such a use will not unduly disturb or harmfully influence other uses in the areas adjoining:

- (a) Uses similar to those found in Section 3.71.B.1 and not elsewhere named in the following subsections; that in the determination of the Building Inspector or Zoning Officer do not meet the requirements of Section 3.71.B.1.

- (b) Automobile filling stations.
- (c) Automobile repair and service stations; automobile paint and body repair shops.
- (d) Restaurants and diners including drive-in and carry-out restaurants.
- (e) Retail food stores.
- (f) Microwave, radio, radar, television or radio-telephone transmitting or broadcasting towers, including studios or offices for such transmitting or broadcasting, provided that:
  - (1) Every such tower shall be installed in a location and manner that assures its safe operation and the safety of surrounding residents, building occupants, land uses and properties.
  - (2) In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- (g) Motels.
- (h) Automobile scrap yards.
- (i) Off-street parking accessory to a permitted use whether or not located on the same lot.
- (j) Outdoor advertising.
- (k) Junk yard.
- (l) Airplane manufacture or assembly.
- (m) Alcohol, methanol, or ethanol manufacture.
- (n) Automobile or automotive manufacture or assembly.
- (o) Brewery or distillery.
- (p) Manufacture, or bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.
- (q) Machinery and machine tool manufacture.
- (r) Metal fabrication plant.
- (s) Municipal incinerator or sewage treatment plant.
- (t) Manufacture of cosmetics, toileteries and pharmaceuticals.
- (u) Asphalt batching plant.

- (v) Grain processing and storage.
- (w) Concrete or cement products manufacture.
- (x) Coal distillation and derivation of coal products.
- (y) Iron or steel foundry.
- (z) Meat products manufacture.
- (aa) Packing house, including meat and poultry canning and curing, processing or freezing.
- (bb) Plastic and pyroxylin manufacture.
- (cc) Uses similar to the above and not elsewhere named in the following subsections below.
- (dd) Accessory uses, buildings and structures, including but not limited to, retail sales of products manufactured on the premises.

3. Uses Allowed Only by Resolution of the City Council - The following uses and others of a similar nature are prohibited, unless approved by resolution of the City Council following review and recommendation of the Planning Board in the same manner as a Special Exception.

- (a) Uses similar to those found in Section 3.71.B.1 and not elsewhere named in the following subsections; that in the determination of the Building Inspector or Zoning Officer do not meet the requirements of Section 3.71.B.1.
- (b) Fish smoking, curing or canning.
- (c) Oilcloth or linoleum manufacture.
- (d) Stove or shoe polish manufacture.
- (e) Textile dyeing or bleaching.
- (f) Acetylene gas manufacturing or storage.
- (g) Ammonia or bleaching powder manufacture.
- (h) Asphalt manufacture or refining.
- (i) Cement, lime, gypsum or plaster of paris manufacture.
- (j) Chlorine or hydrochloric, nitric, picric or sulphuric acid manufacture.
- (k) Creosote manufacture or treatment.
- (l) Distillation of bones.
- (m) Explosives, fireworks or gunpowder manufacture or storage of same.

- (n) Fertilizer manufacture.
- (o) Gas manufacture from coal.
- (p) Offal or dead animal reduction or dumping.
- (q) Petroleum refining or storage in more than tank car lots
- (r) Processing or canning of fish.
- (s) Processing of vinegar or yeast.
- (t) Rendering or refining of fats and oils.
- (u) Rubber or gutta-percha manufacture or treatment.
- (v) Soap manufacture.
- (w) Sodium compound manufacture.
- (x) Slaughterhouse, stockyard, abattoir.
- (y) Smelting of tin, copper, zinc or iron ore including blast furnace or blooming mill.
- (z) Steel furnace or rolling mill.
- (aa) Tanning or curing of raw hides.
- (bb) Tar distillation, tar products manufacture.
- (cc) Wool fulling or scouring.
- (dd) Private dumps for liquid or solid waste disposal.
- (ee) Processing of fish or poultry wastes.
- (ff) Paint, oil, shellac, turpentine, lacquer or varnish manufacture.
- (gg) Paper mills.
- (hh) The treatment, storage, processing or disposal of solid waste, oily waste, hazardous waste or radioactive waste, by any person, partnership, corporation or other entity designed for the primary purpose of such treatment, processing, storage or disposal.

- (ii) Any use which is found by the City to be a public nuisance by reason of the emission of dust, fumes, gas, smoke, odor, noise, vibration or other disturbance is and shall be expressly prohibited. No such finding shall be made by the Planning Board except after a hearing upon reasonable notice, and any person, the Planning Board or the City Council may file a petition with the Planning Board for such hearings.

C. Dimensional Regulations - All structures in this district, except as noted, shall be subject to the following dimensional regulations:

1. Minimum Lot Width and Depth - Each lot shall have not less than 150 feet width at the street frontage and not less than 250 feet depth.
2. Density - Not more than 40 percent of the total lot area shall be covered by buildings.
3. Yard Requirements
  - (a) Rear - There shall be behind every building a rear yard having a minimum depth of 50 feet or 20 percent of the average depth of the lot, whichever is less.
  - (b) Side - There shall be a distance of five feet between any building and the side property line, plus the side yard set back shall be increased one foot for every three feet or part thereof increase in street frontage over 63 feet to a maximum of 35 feet for side yard set back.
  - (c) Front - There shall be in front of every building a front yard having a minimum depth of 35 feet or 15 percent 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 more than 35 feet shall be considered as having a front yard of 35 feet.
  - (d) Principal Buildings - More than one principal building may be erected on a lot provided that the building(s) meet all yard set back requirements and are separated by a distance equivalent to the height of the higher building or 30 feet whichever is greater.
  - (e) Where the requirements of a railroad siding exist, 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 setback acceptable to the railroad shall take precedence.



- (f) Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful, for outdoor storage of articles, supplies and materials except that such storage shall be screened from the view of abutting residential property owners and/or streets by the solid wall or evergreen hedge. Such outdoor storage shall occupy no more than an additional 10 percent of the lot.
- 4. Height - Buildings shall not exceed 75 feet in height, except in the Airport Approach Zone where Federal Aviation Administration height regulations shall apply.
- 5. Off-Street Parking - Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in Article 4 of this chapter.

## ARTICLE 4 - SUPPLEMENTARY DISTRICT REGULATIONS

### SECTIONS

- 4.1 Off-Street Parking and Loading
- 4.2 Signs
- 4.3 Manufactured Housing and Mobile Homes
- 4.4 Excavation Permit Regulations

#### 4.1 Off-Street Parking and Loading

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

1. There shall be provided, at the time of erection of any main building or structure or development of a site in its permitted use, the minimum number of off-street parking and loading spaces specified in the following subsections, within or without a structure. In calculating the spaces, any fractions shall be rounded to the nearest whole number.
2. Each individual parking space shall consist of an effective area of 10 feet by 20 feet in dimension.
3. Loading spaces shall have the following dimensions:
  - (a) Buildings having a gross floor area of 10,000 square feet or less: 25 foot length, 20 foot width;
  - (b) Buildings having a gross floor area of greater than 10,000 square feet: 50 foot length, 10 foot width.

Each loading space shall have a vertical clearance of at least 14 feet. Required loading spaces shall not be counted as meeting part of the parking space requirement.

4. Interior driveways and ingress and egress points serving parking areas shall be at least 20 feet in width to allow safe and expeditious movement of vehicles. Ingress and egress points shall be separated wherever possible and so signed. Ingress and egress points for one-way vehicular movement only, may be reduced to not less than 14 feet for angle parking areas or 12 feet for perpendicular parking areas.
5. The required parking and/or loading space(s) shall be provided on the same lot as the principal use, building or structure they are required to serve. For buildings other than dwellings, parking spaces may be located not more than 300 feet therefrom should practical difficulties prevent their provision on the same lot.

6. No required parking area or driveways servicing same shall be used for the sale, repair, dismantling or servicing of any vehicle, equipment, material, supplies or merchandise.
7. In any residential district, off-street parking may include the parking or storage of not more than one inoperable motor vehicle per lot. If also unlicensed, the vehicle must be stored within a building.
8. In any residential district, off-street parking may include not more than one commercial vehicle per lot.
9. In any residential district, no portion of the front yard space, other than the driveway, shall be utilized for off-street parking.
10. Any parking or loading space serving a business or industrial use which abuts the side or rear lot line of a lot in a residential district or use shall be screened from said lot by a tight evergreen shrub hedge or similar landscaping, a fence, a solid wall or a combination of two or more of the foregoing. The screen landscaping, wall or fence shall be at least six feet high and may be extended no closer than 15 feet from the street line.
11. Exterior lighting provided in any parking or loading area shall be arranged and shielded so that it is deflected away from adjacent properties used for residential purposes.
12. All uses containing over five parking and/or loading spaces shall either contain such spaces within structures or be subject to the following requirements:
  - (a) All access drives, parking, loading and service spaces shall be graded and surfaced with a solid paving material so as to be dust free and properly drained.
  - (b) Parking and loading spaces shall be suitably marked by painted lines or other appropriate markings.
  - (c) A substantial bumper of concrete, masonry, steel or heavy timber or a curb of similar material or an earthen berm shall be placed at the head of each parking or loading stall that abuts a structure, rear or side setback or property line, sidewalk, street right-of-way line, or landscaped area to prevent vehicles from rolling into such areas.

(d) Where, in non-residential districts, parking is planned to occupy a portion of the required front yard area, parking shall not be placed nearer than 10 feet from the street right-of-way line. The area between the parking area and the street right-of-way line shall be landscaped.

13. Parking and loading spaces shall be so arranged as not to require backing of vehicles onto any public street. No loading platforms or receiving doors shall be located on the street side of any retail store or other commercial building unless such platforms or receiving doors be located not less than sixty (60) feet from the side line of any street right-of-way line.

14. No portion of any entrance or exit driveway serving a residential use or building shall be closer than 50 feet from the nearest public street intersection. No portion of any exit or exit driveway serving a commercial or industrial use or building shall be closer than 100 feet from the nearest public street intersection.

15. On lots where one entrance and exit driveway or curb-cut is constructed, the curb-cut shall not exceed 32 feet in width. Where two or more driveways or curb-cuts are constructed, the curb-cuts shall not exceed 20 feet in width. For automotive service stations, the curb-cut widths may be increased to 32 feet for each driveway or access, but shall not exceed two driveways.

16. A parking lot cluster containing more than 80 stalls shall contain landscaped areas within the perimeter of the overall lot, in the form of landscaped perimeters and islands.

B. Off-Street Parking Requirements - A minimum number of off-street parking spaces shall be provided with each use permitted, erected, altered or changed, in accordance with the following standards:

<u>Land Use</u>	<u>Minimum Number of Off-Street Parking Spaces</u>
1. Residential	
(a) Single-Family Farm	Two (2) per each dwelling unit
(b) Multi-Family Duplex	One and one-half (1½) per dwelling unit
(c) Elderly <sup>1</sup>	One-half (½) per dwelling unit

<sup>1</sup>Applies to Elderly Housing as constructed under specific local, state or Federal guidelines restricting occupancy to elderly persons.

2. Commercial

- (a) Business or institution One per 300 square feet of gross floor area
- (b) Office, medical or dental One per 100 square feet of gross floor area plus one per each doctor
- (c) Wholesale, warehouse or storage One per 1,200 square feet of gross floor area

3. Industrial or Manufacturing One-half ( $\frac{1}{2}$ ) per employee for combined employment of the two largest overlapping shifts

4. Hotel, motel, boarding and lodging houses, tourist homes One per guest room plus one-half ( $\frac{1}{2}$ ) per employee

5. Places of assembly and worship (includes theatres, meeting halls, auditoria, stadia, churches or temples, restaurants, gymnasia equipped for spectators) One per each three seats or bench seating spaces

6. Hospitals and nursing homes One and one-half ( $1\frac{1}{2}$ ) per bed

7. Educational institutions

- (a) Elementary/middle One per classroom
- (b) High school Four per classroom
- (c) College, business, vocational schools One per 200 gross square feet of classroom area
- (d) Dormitories One per bed

8. Home occupation One per 50 square feet of gross floor area used for home occupation

9. Recreational uses

- (a) Golf course Six per green
- (b) Tennis court Three per court
- (c) Swimming pool One per 100 square feet of gross area of facility

- |                          |  |
|--------------------------|--|
| (d) Skating rink         | One per 100 square feet of gross area of facility  |
| (e) Ranges (golf, skeet) | One and one-half (1½) per station  |
| (f) Campgrounds          | One and one-half (1½) per campsite   |
| 10. Shopping Centers     | Five and one-half (5½) per 1,000 square feet of gross floor area   |
| 11. Mixed uses           | Sum of various uses computed separately unless it can be demonstrated to the Planning Board's satisfaction that the need for parking by each use occurs at different times |

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

<u>Land Use</u>	<u>Minimum Number of Off-Street Loading Spaces</u>
1. All uses under 5,000 square feet of gross floor area except as follows:	No minimum
2. All buildings	Sufficient provisions to eliminate all loading on the street pursuant to normal economic activity
3. Retail trade, manufacturing and hospital establishment with over 5,000 square feet of gross floor area	One per 20,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 60,000 square feet or fraction thereof of gross floor area over 40,000 square feet. Space used for ambulance receiving at a hospital is not to be used to meet these loading requirements
4. Business services, other services, community facilities (school, church, municipal building, recreation, etc.) or public utility establishment with over 5,000 square feet of gross floor area	One per 75,000 square feet or fraction thereof of gross floor area up to two spaces; one additional space for each 20,000 square feet or fraction thereof of gross floor area over 150,000 square feet

## 4.2 Signs

### A. General Provisions - Signs in all districts shall be subject to the following general provisions and regulations:

1. Unless stated otherwise in this Article, no sign shall be erected until a Sign Permit has first been issued by the Building Inspector or Zoning Officer.
  - (a) An application for a Sign Permit may be obtained at the Department of Community Development and Planning.
  - (b) No Sign Permit shall be issued unless the Building Inspector or Zoning Officer is satisfied that the sign, supporting devices and electrical appurtenances and connections are in conformance with the City's Building and Electrical Codes.
  - (c) A processing fee in the amount stipulated in Article 9 of this Chapter shall accompany all applications for a Sign Permit.
2. No sign shall contain any moving, flashing or animated lights, or visible moving or movable parts, except such portions of a sign as consist solely of indicators of time and/or temperature or automatically changing message, provided that a sign with an automatically changing message shall be permitted only by special exception after approval by the Planning Board in accordance with the provisions of Article 7, Section 7.2, upon positive recommendation by the Chief of Police.
3. Signs may be illuminated only by the following means:
  - (a) By a white, steady, stationary light of reasonable intensity shielded and directed solely at the sign and not casting light off the premises.
  - (b) By interior non-exposed lights of reasonable intensity.An illuminated sign or lighting device shall not be so placed or directed so that it constitutes a traffic hazard or nuisance through glare or reflection upon a public street, highway, sidewalk or adjacent premises.
4. No illuminated sign shall contain red, green or amber colors or lights if same would, in the opinion of the Chief of Police, constitute a driving hazard.
5. No sign shall project beyond the property line of the lot on which it is placed.

6. No sign may be located so as to obstruct a traffic control device or in a manner which would obscure the view of approaching or merging traffic.
7. Wall, projecting and roof signs shall be firmly affixed to the building. Wall signs shall not project more than twelve inches from the face of the wall to which it is attached. Projecting signs shall not project more than four feet perpendicularly from the face of the wall to which they are attached. Roof signs shall not project more than four feet above the roof line.
8. No sign which advertises or calls attention to any products, businesses or activities which are no longer sold or carried on shall remain on the premises for more than six months after the product, business or activity has ceased being sold or carried on.
9. Mobile mounted signs are permitted only for the following uses:
  - (a) To call attention to and/or to advertise the name of a new business and the products sold or activities to be carried on in connection with a new business. In such cases, no sign shall remain at a premises for more than sixty days.
  - (b) To advertise a Special Sale. In such cases a sign shall be allowed twice in any calendar year for a period not to exceed thirty consecutive days.
10. Signs legally erected before the adoption of this ordinance which do not conform to the provisions of this ordinance may continue to be maintained, provided, however, that no such sign shall be permitted if it is, after the adoption of this ordinance, enlarged, reworded (other than in the case of theatre or cinema signs or signs with automatic or manually changing messages), redesigned or altered in any way excluding repainting in a different color, except to conform to the requirements of this ordinance; and provided further that any such sign which has deteriorated to such an extent that the cost of restoration would exceed thirty-five percent of the replacement cost of the sign at the time of restoration shall not be repaired, rebuilt, or altered except to conform to the requirements of this ordinance. Any exemption provided in this section shall terminate with respect to any sign which:
  - (a) Shall have been abandoned for at least 12 consecutive months;
  - (b) Advertises or calls attention to any products, businesses or activities which are no longer sold or carried on, whether generally or at the particular premises; or
  - (c) Shall not have been repaired or properly maintained within thirty days after notice to that effect has been given by the Building Inspector or Zoning Officer.



B. Signs, On Premise

1. All Districts - The following signs are permitted in any use district, except where otherwise prohibited by law, and shall not be subject to the issuance of a Sign Permit:
  - (a) One sign not exceeding one square foot used to display the street number and/or name of the occupant of the premises.
  - (b) One non-illuminated sign not exceeding two square feet used to describe a home occupation, boarding or lodging house, or tourist home located on the premises.
  - (c) One sign not exceeding twenty-four square feet on premises of public or semi-public buildings, funeral homes and charitable or religious institutions. This sign may incorporate a bulletin board.
  - (d) One real estate sign not exceeding eight square feet relating to the sale, rental or lease of the premises. Such sign shall be removed immediately after the property transaction.
  - (e) One sign each for a building contractor, architect or engineer, each sign not exceeding sixteen square feet, relating to construction projects. Such sign shall be removed within 30 days after the project's completion.
  - (f) Building name and date sign and/or memorial tablet, not exceeding an aggregate of 10 square feet, showing the name of the building and date of erection and/or historic information, when cut into masonry, formed of bronze or similar non-cumbustible material.
  - (g) One professional name plate sign not exceeding eight square feet.
  - (h) Two signs, not exceeding sixteen square feet each, describing farm products for sale on the premises. Instead of two signs, a single double-faced sign may be erected with a display area, not exceeding sixteen square feet on each side.
  - (i) Political signs, not exceeding sixteen square feet in total area, on one standard, provided that:
    - (1) Such signs shall not be erected more than thirty days prior to the election to which they pertain;
    - (2) Such signs are removed within seven days after the election to which they refer;
    - (3) Removal of such signs shall be the joint responsibility of the candidate and the property owner on whose premises the signs are displayed.

- (j) Traffic or other municipal signs, legal notices, railroad crossing signs, danger signs, directional signs, non-commercial and temporary signs or street banners related to public or charitable purposes may be approved by the City Council along with stipulations as to the size, location, message and other sign characteristics and the period of display.
  - (k) One sign, not exceeding forty square feet, advertising unsold units or lots within a condominium, planned unit development or subdivision, placed at any public entrance to the development or subdivision. Such signs shall be removed after three years and may be replaced by a sign not exceeding twenty square feet, until all the units or lots are sold.
2. Residence Districts - The following sign regulations apply in residence districts:
- (a) Except where specifically permitted, all signs shall be single-faced mounted flat on the wall of a structure or standing.
  - (b) No off-premise signs are permitted.
  - (c) No projecting or roof signs are permitted.
  - (d) One identification sign, not exceeding twelve square feet in area, at any public entrance to a subdivision or multi-family development.
3. Business and Industrial Districts - The following sign regulations apply in business and industrial districts:
- (a) Signs shall relate to the premises on which they are located and shall only identify the occupants of said premises or advertise the nature of the products and services available within said premises. In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises, under the terms of this Article.
  - (b) Wall signs are permitted, provided that the area of the sign shall not exceed fifteen percent of the area of the wall on which the sign is located.
  - (c) Projecting and standing signs, one of each per premise, are permitted subject to the following provisions:
    - (1) The aggregate area of sign surface for any one premise shall not exceed four square feet per foot of street frontage to a maximum of four hundred square feet or one square foot per foot of street frontage, whichever is larger. These dimensions shall be halved in Neighborhood Business Districts (NB).

- (2) Standing signs may be located within the required front yard space but not nearer than twelve feet from either side lot line unless written permission is obtained from the abutting property owner to erect such sign nearer than that distance from the common side lot line between the two properties.
- (3) The maximum height of standing signs shall be twenty-five feet above grade.
- (4) Two projecting and two standing signs are permitted where the premise fronts on two streets; one sign of each type per street.
- (c) Roof signs are permitted subject to the same size restrictions as wall signs.
- (d) In addition to the foregoing sign or signs, one directory of the establishments occupying a building may be affixed to the exterior wall of the building at each public entrance to the building. Such directory shall not exceed an area determined on the basis of one square foot for each establishment occupying the building.
- (e) Signs painted or placed on the inside of the glass of a window may be permitted in addition to the above, provided that the aggregate area of such signs does not exceed twenty percent of the area of the window glass.
- (f) One identification sign, not exceeding twelve square feet in area, at any public entrance to a subdivision or multi-family development.

4. Signs, Off-Premise

- (a) Off-premise signs shall be limited to three in number, located wherever permitted within the city limits of Auburn, per each local (Auburn or contiguous community) business enterprise and shall advertise only that enterprise's goods or services, not including national products.
- (b) Signs shall not exceed seventy-two square feet.
- (c) Signs are permitted only in business and industrial districts.

#### 4.3 Manufactured Housing and Mobile Homes

##### A. General Provisions

1. Permanent and Temporary Use Defined: Permanent use of manufactured housing and mobile homes is defined to mean occupancy while in a parked position for any purpose permitted by Section 4.3B.1 and 4.3B.2 including storage. Manufactured housing units must meet all municipal codes; and mobile homes must satisfy the provisions of the State Plumbing Code or be hooked up to the City's sanitary sewer. Temporary use of manufactured housing, mobile homes, trailer homes and office trailers must be recorded with the Building Inspector and a permit issued for each period of use prior to the beginning of such use.
2. A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided.

##### B. Uses of Manufactured Housing, Trailers, Office Trailers

The use of manufactured housing, trailers and office trailers is prohibited except as follows:

1. As permanent single-family residences on individual lots in all residential districts (applies only to manufactured housing units that meet all municipal codes).
2. As permanent single-family residence in approved mobile home developments in Rural Residence (RR) and Suburban Residence (SR) Districts (applies to manufactured housing only).
3. As temporary residences for farm laborers or supervisory personnel employed on a seasonal basis on the farm of their employer and limited to the period of such seasonal employment.
4. As temporary field headquarters or office space on construction sites for persons or firms actually engaged in construction work.
5. As temporary office space for persons or firms actually engaged in the business of selling manufactured housing, mobile homes and trailers.
6. As temporary 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.

7. 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 subsection shall be limited to twelve (12) months together with any additional period during which a valid building permit for construction of replacement living quarters may be in effect (applies to manufactured housing and mobile homes only).
8. As temporary office space for a business enterprise during the period in which permanent office space is being constructed for which a valid building permit has been issued.
9. 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 thirty (30) days (applies to trailers only).

C. Uses of Mobile Homes

The uses of mobile homes is prohibited except as follows:

1. As permanent single-family residences in approved mobile home developments in Rural Residence (RR) and Suburban Residence (SR) Districts.
2. All uses permitted by Section 4.3B.3 through 4.3B9.

#### 4.4 Excavation Permit Regulations

##### A. Activities Requiring Excavation Permits -

1. The excavation of sand, gravel, stone or other earth material from any land in the City of Auburn is hereby prohibited except such excavation as may be authorized in any zoning district by a permit issued by the Planning Board or as otherwise permitted under this chapter.
2. The commercial excavation of sod, loam, topsoil, peat or other organic material for landscaping and site development related activities exceeding 300 cubic yards per site per year from any land in the City of Auburn is hereby prohibited except such excavation as may be authorized in any zoning district by a permit issued by the Department of Community Development and Planning or as otherwise permitted under this chapter.

##### B. Items to be Considered in Application Review -

1. In judging whether or not an excavation permit shall be issued, the Planning Board shall after a public hearing, determine the setback allowances, ingress and egress, to provide a site distance that meets minimum safety standards, and access road location and maintenance.
2. In judging whether or not an excavation permit shall be issued, the Planning Board shall address the following, if applicable:
  - (a) Maintenance of safe and healthful conditions such as the posting of danger areas, the installation of gates to prevent access, etc.;
  - (b) The prevention and control of erosion and sedimentation;
  - (c) The proximity of water bodies and wetland areas;
  - (d) The effect on the aesthetic, scenic or natural beauty of the immediate area;
  - (e) Whether the size of the resource deposit in relation to the area affected justifies the exploration activity;
  - (f) The compatibility of the use with the surrounding uses and the neighborhood. Under this criteria items to be addressed are as follows: hours of operation, noise emitted from the operation, types of machinery to be used, dust, provisions of screening, orientation of the excavation operation, etc.
3. In judging whether or not an excavation permit should be issued, the Planning Board shall address the following:
  - (a) Adequacy of the applicant's Reclamation Plan;
  - (b) The applicant must demonstrate proof of bonding

capacity or security adequate to ensure compliance with an approved Reclamation Plan.

4. In judging whether or not an excavation permit should be issued for the excavation of organic material, the Department of Community Development and Planning shall consider compliance with the criteria cited in Section 4.4B.1 and shall address, if applicable, the criteria in Section 4.4B.2.

C. Submission of Application and Review Procedure -

1. A written application for an excavation permit required under Section 4.4A.1 shall be submitted with a processing fee of \$25 to the Department of Community Development and Planning. The Planning Board shall conduct an on-site inspection of the proposed excavation location prior to the public hearing. Notice of such inspection shall be given to the applicant and others by mail at such addresses as may be known to the Department of Community Development and Planning or as appear in the City of Auburn property tax list. Comments concerning the proposed excavation operation will be solicited from all persons in attendance. Failure of the applicant or others to receive a mailed notice of such on-site inspection shall not necessitate another inspection and shall not constitute grounds for objections by the applicant or others and shall not invalidate any action taken by the Planning Board on such application. The Planning Board shall hold a public hearing on such application.
2. An application for an excavation permit under Section 4.4A.1 shall be submitted to the Department of Community Development and Planning not less than thirty (30) days prior to the next regular meeting of the Planning Board. The Planning Board shall schedule a public hearing, the notice of which shall be given by publication in a newspaper having general circulation in the City of Auburn not less than twelve (12) days prior to the meeting of the Planning Board. Upon holding the public hearing and reviewing the application, the Planning Board shall approve, conditionally approve or deny the application based on the criteria set forth in Section 4.4B. The Planning Board shall notify the applicant in writing of any conditions and the reasons for its action.
3. A written application for an excavation permit required under Section 4.4A.2 shall be submitted with a processing fee of \$15 to the Department of Community Development and Planning.
4. When an application for an excavation permit under Section 4.4A.2 is submitted, the Department of Community Development and Planning shall have fifteen (15) days to complete its review of the application. The Department of Community Development and Planning can approve, conditionally approve or deny the application based on the criteria set forth in Section 4.4B. The Department of Community Development and Planning shall notify the applicant in writing of any conditions and the reasons for its action.

D. Application -

1. The written application submitted to the Department of Community Development and Planning shall contain the following information:
  - (a) Legal description of the property and description of the site to be affected by the excavation operation;
  - (b) Status of title of land;
  - (c) Description of the scope of activities to be undertaken on the site: i.e., area, depth of proposed excavation, etc.;
  - (d) Narrative description addressing the items required under Section 4.4B.1;
  - (e) Narrative description addressing any items listed under Section 4.4B.2 that the applicant feels are applicable to his proposed operation; and
  - (f) Proof of bonding capacity or security adequate to ensure compliance with an approved Reclamation Plan.
2. At the time of submission of the written application, the applicant shall submit an inked original and ten copies of a site plan map drawn to the following specifications:
  - (a) Sheet size not to exceed 24" x 30";
  - (b) A plan prepared to a scale of 1" = 40' is preferred but where appropriate, a scale up to 1" = 100' is acceptable;
  - (c) Name and address of owner and developer, and interest of the applicant if other than the owner or developer
  - (d) Name of development and north point;
  - (e) Names and addresses of all owners of record of all adjacent property as appear on Assessor's records;
  - (f) Current zoning classification and district boundaries;
  - (g) Easements, right-of-way, or other reservations adjacent to or intersecting the property;
  - (h) Existing and proposed topography, at contour intervals of not more than five feet;
  - (i) Location of water courses, marshes and wooded areas within 150 feet of property lines;
  - (j) Location of buildings existing on the site to be developed and on adjacent land;
  - (k) Existing public street right-of-ways and proposed



ingress and egress facilities; and

- (1) Proposed temporary and permanent drainage methods (to be approved by the City Engineer).

3. At the time of submission of the written application and site plan, the applicant shall submit a Reclamation Plan which shall include such items as slope of finished banks, vegetation to be introduced, etc.

E. Posting of Bond or Security -

Upon approval of an application for an excavation permit and prior to the excavation of any earth or organic materials, the applicant shall tender a certified check payable to the City of Auburn, a performance bond running to the City of Auburn and issued by a surety company or secured by deposits issued by institutions authorized to issue the same by the Laws of Maine, or the United States or irrevocable letters of credit issued by said banking institutions, in a dollar amount to be determined by the Planning Board and/or the Department of Community Development and Planning in an amount adequate to guarantee fulfillment of conditions imposed.

F. Enforcement Procedure and Penalty -

1. The Planning Staff shall conduct at least an annual review of the excavation operation and forward its findings to the Planning Board at the next regular scheduled meeting. The review process shall take into consideration the conditions of compliance, adjustment of the performance bond, if warranted, and any other applicable concerns.
2. If after the review of the Planning Staff findings the Planning Board determines that the conditions of the permit have substantially changed, the owner of an excavation permit may be required to submit a new application in the same manner as prescribed in Section 4.4C and 4.4D of this Article.
3. If after the review of the Planning Staff findings the Planning Board determines that the owner of an excavation permit has violated the conditions of the permit, the Planning Board may revoke such Permit provided the owner of such permit is given a reasonable time to abate the violation as prescribed in Section 7.4C of Chapter 29 of the Auburn Ordinances.
4. Any person or persons, firm or corporation being the owner or tenant of, or having the control or use of land or part thereof in Auburn, who excavates, grades, transfers or removes any earth or organic materials prior to receiving an excavation permit and who intends to initiate an excavating operation shall be guilty of a civil infraction and penalized as provided for by Section 7.4E of Chapter 29 of the Auburn Ordinances. This section is not intended to prohibit exploratory excavation for earth material deposits.

5. Complaints against an excavation operation permitted under this Article shall be received and reviewed in the manner provided by Section 7.4C of Chapter 29 of the Auburn Ordinances.

G. Excavation Permit Exceptions -

1. The foregoing article shall be deemed not to prohibit the excavation of earth or organic materials as may be incidental to any lawfully permitted use of land or of a building or incidental to any necessitated by any building construction for which a building permit has lawfully been issued under the Auburn Zoning Ordinance prior to such materials excavation.
2. The foregoing article shall also be deemed not to prohibit the excavation from any lot or way of materials so far as may be necessitated by the construction or installation of utilities, public ways or other engineering works for public service on such lot or in such way.
3. The foregoing article shall also be deemed not to prohibit the excavation, grading, or transferring of any earth materials noted under Section 4.4A.1 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 excavation for sale at a rate not exceeding ten (10) cubic yards per acre per year.
4. The foregoing article shall not apply to excavation activities in existence on the date of adoption of this ordinance and registered with the Department of Community Development and Planning within six (6) months of the date of adoption of this ordinance as long as the total land area affected by the excavation activity is not expanded by more than one (1) acre. Excavation activities which expand in depth must file a Reclamation Plan to be approved by the Department of Community Development and Planning. The applicant shall post a bond of security in a dollar amount to be determined by the Department of Community Development and Planning in an amount adequate to guarantee completion of reclamation activities. Any excavation activity which is discontinued for twelve (12) consecutive months shall require a permit to reopen.

## ARTICLE 5 - ENVIRONMENTAL REGULATIONS

### Sections

- 5.1 Flood PLain Overlay District
- 5.2 Taylor Pond Overlay District
- 5.3 Lake Auburn Watershed Overlay District
- 5.4 Shoreland Overlay District

#### 5.1 Flood Plain Overlay District (FPO)

A. Purpose - This district is intended to safeguard the public health and welfare by protecting the water storage capacity of the flood plain and the discharge capacity of floodways. It seeks to reduce the hazard of flood to structures, property and land by regulating the construction or reconstruction of structures located within the flood plain.

#### B. Boundaries and Definitions

1. Flood Plain Districts - Those flood hazard areas subject to a 100-year flood as shown on the Flood Insurance Rate Maps and Flood Boundary and Floodway Maps (Community Panel Numbers 230001 001-0016) which are adopted by reference and made a part of this section. The applicable flood insurance maps are on file in the office of the City Clerk and the Department of Community Development and Planning and in the City Engineering Department. Within unnumbered A Zones, any reasonable base flood elevation data available from a Federal, State, local or other agency shall be utilized until other data has been provided by the Federal Emergency Management Agency (FEMA).
2. A Zones - On a Flood Insurance Rate Map, an area of land that would be inundated by the 100-year flood. Specific areas within the 100-year flood plain which are designated A-1, A-2, A-3, etc., have been studied in detail and elevations and the regulatory floodway are given. Unnumbered "A" Zones have been studied in less detail and no elevations or floodways are given.
3. Base Flood - The 100-year flood. It is a flood that has one percent chance of occurring in any one year.
4. Base Flood Elevation - An elevation equal to that which reflects the heights of the base flood as defined in 3. above
5. Flood Boundary and Floodway Map - A map prepared during the course of a detailed flood insurance study of a community's flood hazard area. For the 100-year flood, the map shows the location of the floodway and the limits of the flood plain area.
6. Flood Hazard Area - The area of land subject to the 100-year flood, also called the base flood.
7. Flood Insurance Rate Map (FIRM) - Map showing the 100-year

flood elevation.

8. Flood Fringe - The section of the flood plain which stores or absorbs the flood waters rather than conveying them.
9. Flood Plain - An area of land that would be covered with water during a flood; includes the floodway and flood fringe.
10. Floodway - The channel of a river, stream or other water course and the adjacent land areas as shown on the Flood Boundary and Floodway Map that must be reserved in order to convey the base flood without cumulatively increasing the water surface elevation more than one foot at any point.
11. Substantial Expansion, Reconstruction or Improvement - An expansion, reconstruction, improvement or repair of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged, and is being restored, before the damage occurred. For purposes of this definition, "substantial expansion, reconstruction, or improvement" is considered to occur when the first alteration of any wall, ceiling, floor or structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or for any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historical Places.

#### C. Floodway Use Regulations

1. Uses Permitted - Within the floodway, the following uses are permitted:
  - (a) Farming which does not involve the use of any structures
  - (b) Forestry.
  - (c) Recreational uses.
  - (d) Open spaces.
  - (e) Off-street parking.
  - (f) Public utilities.
  - (g) Bridges.
  - (h) Energy related dams, provided no such use will cause the 100-year flood level to be exceeded.
2. Uses Prohibited - Within the floodway, the following uses are prohibited:

- (a) Filling.
  - (b) Excavation.
  - (c) Storage of hazardous or flammable materials, waste and substances.
  - (d) New construction and substantial improvements to buildings and structures.
3. This subsection shall not prohibit public improvement projects which are permitted by State and Federal laws to be located within the floodway provided no such project shall cause the 100-year flood level to be exceeded.

D. Flood Fringe Use Regulations

1. Uses Permitted - All uses permitted within the underlying zoning district are allowed. New construction and substantial improvements to existing structures shall meet the following standards:
- (a) The lowest floor of all residential structures (including basement or cellar) shall be elevated to or above the base flood level.
  - (b) The lowest floor (including basement or cellar) of all nonresidential and mixed use structures shall be elevated to or above the base floor level or be floodproofed. The design of that portion of the structure that is below the base flood elevation shall be certified by a registered professional engineer to have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyance. The certified plan shall include a detailed description of floodproofing methods to be used in the construction and which are adequate to withstand the flood depth, pressure, velocities, impact and uplift forces associated with the base flood. The certified plan shall be submitted to the Building Inspector.
2. For new construction and substantial improvements of buildings and structures, the following construction methods and practices shall be met:
- (a) They shall be reasonably safe from flooding and result in no reduction in the flood-carrying capacity of any watercourse.
  - (b) Structures shall be designed or modified and anchored to prevent flotation, collapse, or lateral movement.
  - (c) Construction material and utility equipment shall be resistant to flood damage.
  - (d) All new and replacement water supply systems and on-site waste disposal systems shall be designed and located to minimize or eliminate infiltration of

flood waters into the system and to avoid impairment of these systems.

- (e) All public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize flood damage.

E. Building Permit Applications - Applications for building permits for new construction and substantial improvements to buildings and structures located in the Flood Plain Overlay District shall be accompanied by the following information:

1. The elevation (in relation to mean sea level) of the lowest floor, including basement.
2. Base flood elevation data for the site to be used for all new, relocated, or substantially improved structures.
3. The elevation (in relation to mean sea level) to which the structure will be floodproofed.

F. Notification and Records - The Building Inspector or the Zoning Office shall:

1. Notify municipalities adjacent to the flood plain, the Bureau of Civil Emergency Preparedness, and the Federal Emergency Management Agency prior to any alteration or relocation of a water course and provide assurance that the flood-carrying capacity of the water course will be maintained.
2. Maintain as a permanent record, copies of all building permits issued in the Flood Plain Overlay District and the accompanying relevant data and the actions on all variances granted by the Board of Appeals under Sub-section 5.1.G.

G. Procedure for Amending Maps - When an individual property owner feels that this lot, portion of lot, building, or structure is incorrectly included in a special flood hazard area, he can submit a plot plan of the lot, the elevation of the lot or portion of the lot and the 100-year flood elevation of the lot or portion of lot along with supporting technical data from a professional engineer or surveyor to the Federal Emergency Management Agency. If a review of the submitted material and technical data shows the lot or structure to be located outside the 100-year flood limit or above the 100-year base flood elevation, a letter of map amendment will be issued to the property owner removing the property from the special flood hazard area.

H. Developments - Subdivision proposals and site plan proposals for horizontal row houses, multi-family dwellings and apartments and planned residential unit developments which are situated within Flood Plain Overlay District shall include base flood elevation data and shall be reviewed to determine where such proposal(s) will be reasonably safe from flooding. All lots or parcels shall have, at a minimum, sufficient building area above the base flood elevation to permit construction with the lowest floor, including basement, to be elevated to or above the base

flood level and shall be designed and developed to preserve the flood carrying capacity of affected water courses to the maximum extent feasible and to ensure that adequate drainage is provided to reduce the exposure to flood hazards. All public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damages.

## 5.2 Taylor Pond Overlay District (TPO)

- A. Purpose - The Taylor Pond Overlay District is intended to address both the present and future special circumstance of the land uses surrounding Taylor Pond. In the past, improper land use development, caused by the allowance of seasonal and year-round living within the same area, the creation of smaller size lots, the erection of summer camps without compliance with a building code, the placement of such camps on these small lots in close proximity to each other, the use of cess-pools, holding tanks, outhouses and septic tank systems installed under the old percolation test for residential waste disposal, the granting of right-of-way easements for private roads without defined widths, and the long continued use of these roads has resulted in pollution of the Pond and present land use problems surrounding the Pond. With the installation of public sewers, it is the intention of the City to ensure that the improper land use development that has taken place in the past will not continue into the future, while recognizing that it is impractical to attempt to correct all of the past development mistakes. To ensure that public investment in the cleaning-up of Taylor Pond is protected, and that where practical past land use practices are not continued, it is the policy of the City of Auburn to guide the growth of the land uses surrounding Taylor Pond through regulations which allow for the conversion of summer camps and the erection of new dwellings on private roads provided such buildings are connected to a public sewer and that the applicable city codes are complied with.

In permitting the conversion of summer camps and the erection of new dwellings on unaccepted private roads, it is recognized by the City that those persons who wish to live at Taylor Pond on a year-round basis assume certain responsibilities for maintaining and plowing their access road and realize that because such access roads are not constructed to city street standards, the travel of personal, service and maintenance vehicles over such access roads can be hindered. Nothing herein contained shall be construed as requiring additional city services to properties on unaccepted private roads not already receiving those services.

- B. Boundaries - The Taylor Pond Overlay District includes that limited area of Auburn which is 250 feet horizontal from the high water mark of Taylor Pond plus the southeasterly portion in the offices of the Department of Community Development and Planning, the City Clerk and the Androscoggin County Registry of Deeds. Undersized lots which are divided by the overlay zone shall be subject to the provisions of the overlay zone. In addition, adjacent undersized lots shall also be subject to the provisions of the overlay zone.

- C. Use Regulations

1. Permitted uses:

- (a) Uses permitted in the underlying zoning district.



- (b) Conversion of summer camps into year-round single-family dwellings.
- (c) One-family detached dwellings.
- (d) Existing private, commercial and public water-related recreational uses.

2. Standards for the Conversion of Summer Camps into Year-Round Dwellings and for the Erection of New Dwellings:

- (a) Connection to public sewer is required.
- (b) Compliance with the City Zoning Ordinance, Building Code, Housing Code, Electrical Code, Life Safety Code, Plumbing Code for construction, enlargements, extensions, additions, alterations, or change in use or occupancy of building(s) and structure(s) is required.
- (c) A summer camp which is proposed to be converted to year-round use shall have, if one story, 600 square feet of area; if one and one-half story, not less than 600 square feet on the first floor and not less than 250 square feet above the first floor; if two story, not less than 600 square feet on each floor.
- (d) The erection of a new dwelling must meet the rear, side, and front yard setback requirements as contained in regulations for the underlying district and the Shoreland Overlay District, whichever is greater. The horizontal enlargement, extension or addition to and existing summer camp must meet the rear, side and front yard setback requirements as contained in regulations for the underlying district.

3. Non-Conforming Dwellings and Undersized Lots:

- (a) A summer camp which was permitted to be occupied as a year round residence pursuant to the City of Auburn Ordinances at the time of occupation and subsequently was occupied as a year round residence prior to October, 1979, is not required to secure a conversion permit as specified in Section 5.2 C.2. Such dwelling shall be connected to public sewer.

A summer camp which was occupied as a year round residence prior to June 6, 1968 is not required to secure a conversion permit as specified in Section 5.2 C.2. Such dwellings shall be connected to public sewer.

- (b) The lot area and lot width requirement of any of the underlying district shall not apply to any lot intended to be used for the erection of a dwelling if such lot was lawfully laid out and duly recorded by plan or deed prior to September 14, 1960.

(c) Adjacent undersized lots, not separated by a private or public road, under one ownership or joint ownership shall be considered as one lot. Adjacent conforming and undersized lot(s) not separated by a private or public road, under one ownership or joint ownership shall be considered as one lot. However, this subsection shall not prevent the division of a lot on which more than one existing dwelling or summer camp is located into separate lots provided the rear, side and front setback requirements as contained in regulations for the underlying district are met.

4. Permit Required - No person shall convert a summer camp into a year-round use without first applying to the Department of Community Development and Planning for a permit to do so. A permit for such conversion shall be issued to any person who can establish that the converted building will comply with the requirements of Subsection 5.2.C.2 above. A processing fee in the amount stipulated in Article 9 of this chapter shall accompany all requests for conversion permits.

### 5.3 Lake Auburn Watershed Overlay District (LAO)

- A. Purpose - The Lake Auburn Watershed District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.
- B. Boundaries and Definitions - The Lake Auburn Watershed District is that section of Auburn in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn Water District on file in the offices of the Auburn Water District, the Auburn Department of Community Development and Planning, and the Auburn City Clerk. The Lake Auburn Watershed District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed District.
- C. Use and Environmental Regulations
1. Agricultural Uses - All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the Auburn Water District. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.
  2. Agricultural Buffer Strip - Where land adjoining Lake Auburn or its perennial tributaries is tilled for agricultural purposes, an untilled buffer strip fifty (50) feet wide shall be retained between the tilled area and the normal high water mark. This Sub-Section shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.
  3. Municipal and Manure Sludge Disposal - All spreading and disposal of municipal sludge shall be accomplished in conformance with the "Rules for Municipal Sludge Utilization on Land," published by the Department of Environmental Protection in September, 1980. All spreading and disposal of manure shall be accomplished in conformance with "Maine Guidelines for Manure and Manure Sludge Disposal on Land," published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972.
  4. Erosion Control - The following provisions shall be observed for the control of erosion in the Lake Auburn watershed:
    - (a) Any earth cutting, moving or removal activities that

will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or water body in the watershed is prohibited.

- (b) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Water District. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.
  - (c) Trees may be cleared, provided the cleared areas are converted to other vegetation, for approved construction and landscaping. Where such clearing extends to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the normal high water mark) may be created in the strip extending 50 feet inland from the normal high water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within 10 feet of the shoreline. Where natural vegetation which is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three (3) acres, a plan shall be filed with the Auburn Water District indicating the changes so that a record can be maintained of watershed water yields to the system.
5. Private Sewage Disposal Systems - The following regulations shall be adhered to in the development of private sewage disposal systems in the Lake Auburn Watershed:
- (a) Subsurface absorption areas shall not be permitted on site on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.
  - (b) Within areas containing soils described as "deep, loose and sandy" or "gravelly" and which contain more than 70 percent sand as shown on Table 9-3 of the State of Maine Plumbing Code, Part II (April 25, 1975) no subsurface absorption area shall be installed closer than 300 feet to the normal high water mark of any lake, pond, or year-round or intermittent stream. Where the daily sewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high water mark of any lake, pond, or year-round intermittent stream.

- (c) The Auburn Water District shall have the right to inspect any system within the Lake Auburn Watershed District during its construction and operation and may notify the Health Office, Police Chief, Local Plumbing Inspector or Building Inspector of any defects or malfunctions. The Health Officer, Police Chief, Local Plumbing Inspector or Building Inspector shall require the abatement of such defects or malfunctions.
- (d) The Local Plumbing Inspector shall furnish a copy of all Site Investigation Reports in the Lake Auburn Watershed District to the Auburn Water District.
- (e) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1972 shall not be subject to the requirements of this section but shall be required to comply with the current State Plumbing Code.

D. Dimensional Regulations

- 1. Building Setbacks - All buildings and structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 75 feet inland from the normal high water mark. Operational necessity shall include private docks, but shall not include boat houses, storage sheds, garages, or other structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high water mark of Lake Auburn.

- E. Conflicts - In any case in which a provision of this section conflicts with a provision of any other section of this Chapter, the provision which establishes the more stringent standard shall apply.

#### 5.4 Shoreland Overlay District (SLO)

- A. Purpose - The purpose of the Shoreland Overlay District is to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird and other wildlife habitats; control building sites, placement of structures and land uses; and conserve shore cover, visual and physical points of access to waters and natural beauty.
- B. Boundaries and Definitions - The Shoreland Overlay District is those sections of Auburn which are located within 250 feet of the normal high water mark of the Androscoggin River, the Little Androscoggin River, Taylor Pond and Taylor Brook. The perimeters of the Shoreland Overlay District shall be superimposed over underlying zoning districts and permitted uses in the existing zoning districts shall continue subject to compliance with the provisions of the Shoreland Overlay District. Nothing in this section shall permit uses in districts where such uses are not otherwise permitted.

Normal High Water Mark - The line along lakes and ponds where vegetative cover changes from predominantly aquatic to predominantly terrestrial and, along rivers and streams, the highest elevation on the bank of a channel at which the water has left a definite mark.

C. Use and Environmental Regulations

1. Agricultural Uses - All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the Auburn Building Inspector. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff. In considering any such proposed agricultural uses, the Building Inspector may consult or may require the proponent to supply certification by a soil scientist or other expert as to the effect on groundwater and water runoff, if any, which the proposed use is likely to cause.
2. Agricultural Buffer Strip - An untilled buffer strip at least fifteen (15) feet wide shall be retained between the normal high water mark and that portion of any lot within the Shoreland Overlay District which is used for agricultural purposes. Agricultural tilling may be permitted within 50 feet of the normal high water mark as a variance only after a finding by the Board of Appeals, after hearing and notice to abutting landowners in the manner provided in Article 6 of this Chapter, that such use would not adversely affect the water body in question. This Sub-Section shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.
3. Municipal and Manure Sludge Disposal - All spreading and disposal of municipal sludge shall be accomplished in conformance with the "Rules for Municipal Sludge Utilization on Land" published by the Department of Environmental

Protection in September, 1980. All spreading and disposal of manure shall be accomplished in conformance with "Maine Guidelines for Manure and Manure Sludge Disposal on Land," published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972.

4. Erosion Control - The following provisions shall be observed for the control of erosion in the Shoreland Overlay District:

(a) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Taylor Pond, Taylor Brook and Little Androscoggin River or the Androscoggin River as determined by the City Engineer with the advice, as needed, of appropriate State or Federal agencies is prohibited.

(b) The following Timber Harvesting Standards shall be complied with in the carrying out of any timber harvesting in the Shoreland Overlay District:

(1) No substantial accumulation of slash shall be left within 50 feet of the traveled surface of public roads, property lines, or the normal high water mark of any pond or river. At distances greater than 50 feet from the normal high water mark of such waters and extending to the limits of the area covered by this section, all slash shall be disposed of in such a manner that it lies on the ground and no part thereof extends more than 4 feet above the ground.

(2) Skid trails, log yards, and other sites where the operation of logging machinery results in the exposure of substantial areas of mineral soil, shall be located such that an unscarified filter strip is retained between the exposed mineral soil and the normal high water mark of any pond or river. The width of this strip shall vary according to the average slope of the land as follows:

Average Slope of Land between Exposed Mineral Soil and Normal High Water Mark (Percent)	Width of Strip between Exposed Mineral Soil and Normal High Water Mark (Feet along surface of Ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

- (3) Harvesting operations shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters.
  - (4) Harvesting operations shall be conducted in such a manner that a well distributed stand of trees is retained.
  - (5) Harvesting activities shall not create single openings greater than 7,500 square feet in the forest canopy.
  - (6) In any stand, harvesting shall remove not more than 40 percent of the volume of trees in any ten year period. For the purpose of these standards, a stand means a contiguous group of trees, sufficiently uniform in species, arrangement of age classes, and conditions, to be identifiable as a homogeneous and distinguishable unit.
  - (7) Timber harvesting operations not in conformance with (2), (4), (5) and (6) above may be permitted by the Planning Board upon a clear showing by the applicant that such an exception is necessary for proper timber management.
- (c) Trees may be cleared, provided the cleared areas are converted to other vegetation, for approved construction and landscaping. Where such clearing extends to the shoreline, a cleared opening or openings no greater than 30 feet in width for every 100 feet of shoreline (measured along the normal high water mark) may be created in the strip extending 50 feet inland from the normal high water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within 10 feet of the shoreline. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which is equally effective in retarding erosion and preserving natural beauty.

#### 5. Private Sewage Disposal Systems

- (a) The Health Office or Plumbing Inspector shall have the right to inspect any system within any Shoreland Overlay District during its construction and operation and shall require the abatement of any defects, improper construction or operation.
- (b) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1973 shall be required to comply with the current State Plumbing Code.

#### D. Dimensional Regulations



1. Building Setbacks - All new buildings and structures, except those requiring direct access as an operational necessity, shall be constructed not less than 75 feet inland from the normal high water mark. Operational necessity shall include docks and marinas. Buildings in existence before December 17, 1973 may be replaced if destroyed as defined by Sub-Section 3.2.E of this Chapter. Lots less than 120 feet deep measured at right angles to the shoreline which were in existence on or before December 17, 1973 shall have a shoreline setback requirement of 50 percent of the lot depth. Nothing in this section shall permit any structure to be constructed in a location where it is not otherwise permitted.
- E. Conflicts - In any case in which a provision of this section conflicts with a provision of any other section of this Chapter, the provision which establishes the more stringent standard shall apply.

## ARTICLE 6 - BOARD OF APPEALS

### Sections

- 6.1 Organization
- 6.2 Appeals Procedure
- 6.3 Powers and Duties
- 6.4 Judicial Appeal
- 6.5 Special Appeals

### 6.1 Organization

- A. Membership - There shall be a Board of Appeals consisting of seven members and two associate members appointed by the City Council. Each member shall be at all times a resident of the City of Auburn.
- B. Term of Office - The members and associate members of the Board shall serve staggered term of five (5) years each.
- C. Associate Members - An associate member shall have a vote only in the event that one or more regular members of the Board is absent or is disqualified from serving on a particular matter because of a conflict of interest.
- D. Jurisdiction - The Board of Appeals shall have jurisdiction over: (1) interpretation of provisions of the Zoning Ordinance called into question, (2) administrative appeals from decisions or lack thereof of the Building Inspector or Zoning Officer in regard to an application for a permit or special exception under the Zoning Ordinance, (3) the granting of variances from the requirements of the Zoning Ordinance where strict application of the ordinance would cause undue hardship.
- E. Board Rules - The Board shall adopt, and may from time to time amend, rules and regulations to govern the conduct of its business. The tape recording of the Board's proceedings, the transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become a part of the record. All decisions shall become a part of the record and shall include a statement of findings and conclusion and the appropriate order, relief or denial thereof.
- F. Quorum - Five members shall constitute a quorum at any meeting.

### 6.2 Appeals Procedure

- A. Petition - Written petitions for appeal signed by any party in interest shall be filed in duplicate in the office of the

officer charged with enforcement of the Zoning Ordinance, together with the fee stipulated in Article 9 of this Chapter, within thirty days from the date of the decision or order appealed from in any case involving a zoning appeal. The Building Inspector shall forward to the Board of Appeals, Planning Director, the Chairman of the Planning Board and the City Solicitor one copy of such petition. The Planning Director, or in his absence, the Chairman of the Planning Board, shall forward to the Board of Appeals as soon as possible any pertinent city planning information in his possession bearing on such appeal. The City Solicitor shall forward to the Board of Appeals as soon as possible any pertinent legal information bearing on such appeal. Where no such information is received by the Board of Appeals by the time of the meeting at which such appeal is scheduled to be heard, it shall be presumed that none was available at that time. In any case in which such planning and legal information is received, it shall be read aloud at the public hearing and an opportunity afforded for comment by those interested in the appeal.

B. Public Hearing

1. On each such petition, the Board shall hold a public hearing, within sixty-five (65) days of the filing of the appeal petition. Notice of the time, date, place, appellant name, and subject of each such hearing shall be given by publication in a newspaper of general circulation in the City of Auburn on two separate dates not more than twelve nor less than three days before the date of such hearing. Notification of the public hearing shall also be sent to the appellant, the Planning Director, the Building Inspector, the City Manager, and all owners of abutting property and property located directly across the street from the site of the property which is the subject of the appeal by mailing to them copies of such notice as published. In the case of a use variance, all owners of property located within 500 feet of the site shall be notified by mailing to them copies of such notice as published. Such notices shall be mailed to such property owners at the addresses appearing for them in the then current property tax listing of the City of Auburn. Failure of any property owner to receive such mail notice of any such public hearing shall not necessitate another hearing, and shall not constitute grounds for objection by such property owner and shall not invalidate any action by the Board of Appeals on such appeal or application for variance.
2. The Chairman, or in his absence the Acting Chairman, shall preside at the Public Hearing. All hearings of the Board of Appeals shall be open to the public.

3. The Chairman shall open the hearing and determine whether a quorum of the Board of Appeals is present. For each appeal heard, the Chairman shall summarize the nature of the appeal, identify all relevant information submitted, determine the Board's jurisdiction and the appellant's standing, determine the parties to the action and proceed to accept oral and written testimony from the appellant and the public for and against the appeal. When all parties have been heard, the Chairman shall close the hearing or, if additional time is needed, continue it to a later date.
4. The Chairman shall determine that the appellant has standing that is, the right to appear as an appellant before the Board. An appellant must hold title to the land, be part owner, or have an option to buy or lease property and/or building, in order to have standing.
5. The Chairman shall determine the parties to the action. The appellant, municipal officers, Planning Board, abutting property owners, individuals who might be adversely affected by any decision, and any member of the general public attending the meeting who has made specific statements concerning terms of the appeal, may be made party to the action.

C. Decision

1. The decisions of the Board shall be made within thirty (30) days of the Public Hearing, unless extended by mutual agreement of the Board and appellant. Failure of the Board to act within said thirty (30) days shall be deemed to be the denial of the petition sought, subject to judicial appeal.
2. The Board of Appeals may by an affirmative vote of at least four members amend or revise a decision of the Building Inspector or of any other municipal officer acting under the Zoning Ordinance and may permit variances from literal application of the Zoning Ordinance in accordance with the principles, conditions and procedures set forth in this Chapter, subject always to the paramount duty of said Board to promote the public health, safety, convenience and welfare and to adhere to the central intents and purposes of this Chapter, and provided the Board may in each case prescribe appropriate conditions and safeguards.

3. The Board shall keep a record of each appeal entertained, noting the date when received from the Building Inspector or Zoning Officer, the date of hearing, the applicant or appellant and the date of the decision. The Board shall record by resolution the final disposition of every appeal. All of the foregoing shall be public records filed with the office charged with enforcement of the Zoning Ordinance. Notice of the decision shall be mailed within seven (7) days to the applicant or appellant. Each notice shall specify that judicial appeals shall be made pursuant to the terms of Section 6.4.
4. The right to proceed under any variance or petition granted under the terms of this Chapter, voted by the Board of Appeals, or under change in a decision of the Building Inspector, Zoning Officer or other municipal official voted by the Board of Appeals, shall expire if such right be not exercised beginning within six months from the date of such vote.

### 6.3 Powers and Duties

#### A. Interpretation

1. Except as otherwise provided in this Ordinance, the Board of Appeals shall interpret provisions of the Zoning Ordinance which are called into question. Persons may appeal the denial of a permit which was based on a key provision of the Zoning Ordinance.
2. Where there is no evidence to the contrary, Zoning Ordinance language should be given its ordinary meaning. Statements of purpose may provide a key to the intent of the zoning provision. In interpreting the Ordinance, the Board may request the advice of the City Solicitor, the Planning Director or qualified experts in zoning law.

#### B. Administrative Appeals

1. The Board of Appeals may hear appeals in the administration of the Zoning Ordinance in order to determine if the Building Inspector or Zoning Officer erred in granting or denying a permit. An applicant who is given no decision on a permit request, or who is denied a permit may appeal. One or more citizens may appeal the grant of a permit if they believe a permit was issued which was not authorized by the Ordinance.
2. If the Board of Appeals finds that the Building Inspector or Zoning Officer acted in error, it should order the error to be corrected.

C. Variance

1. The Board of Appeals may grant a variance from the Dimensional Regulations and Supplementary District Regulations contained in the Zoning Ordinance where the strict application of the Ordinance, or a provision thereof, to the petitioner or property would cause undue hardship based on:
  - (a) The land in question cannot yield a reasonable return unless the variance is granted; and
  - (b) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and
  - (c) The granting of a variance will not alter the essential character of the locality; and
  - (d) The hardship is not the result of action taken by the appellant or a prior owner

Variances granted under this Sub-section shall be the minimum necessary to relieve hardship. The burden of proof is on the applicant to prove undue hardship.

2. The Board of Appeals shall not authorize use variances. The use of any property or building that formerly was used in a lawfully non-conforming manner and which was abandoned (as defined in Section 3.2D) may be permitted as a special exception after approval by the Planning Board in accordance with Article 7, Section 7.2.
3. The Board of Appeals may grant a variance for the expansion, extension or enlargement of non-conforming buildings or uses provided that:
  - (a) The use being requested shall be approved by not less than a four-fifths vote of those members present (not less than a quorum being present).
  - (b) The Board of Appeals shall make findings that the requirements of Section 6.2 C.1 have been met.
4. In addition to the above criteria, in determining whether or not to grant a variance, the Board shall also take into consideration the following:
  - (a) Fire, electrical and police safety requirements;
  - (b) The adequacy of the traffic circulation system in the immediate vicinity;
  - (c) The availability of an adequate water supply;
  - (d) The availability of adequate sewerage facilities;
  - (e) Would not violate the environmental standards or criteria contained in the Overlay Zoning Districts;

- (f) Would not adversely affect property adjoining the premises under appeal or nearby in the same neighborhood or in the same zoning district;
  - (g) Would not endanger the public health, safety or convenience; and
  - (h) Would not impair the integrity of the Zoning Ordinance.
5. Wherever necessary to meet the criteria or considerations listed in this Sub-section, the Board, when granting a variance, may attach such conditions or restrictions as are in accordance with the objectives and purposes of this Zoning Ordinance.
- 5/. The Planning Director, or his representative, shall be responsible for reviewing the records of hearings of the Board of Appeals. Such review shall be conducted on a monthly basis and shall be for the purpose of maintaining the integrity of the Zoning Ordinance. The Ordinance shall be deemed possibly to be in need of amendment when variances for identical purposes or reasons are applied for in a single zoning district or regarding a specific section of this ordinance on three or more occasions within a given calendar year. In any case in which the Zoning Ordinances are deemed to be possibly in need of amendment, the Planning Director or his representative shall prepare a report indicating whether the variances applied for suggest that the Ordinance or the description of the zoning districts should be amended. Such reports shall be forwarded to the Planning Board for its review and action.

#### 6.4 Judicial Appeal

Appeals from decisions of the Auburn Planning Board or of the Auburn Zoning Board of Appeals or on account of the failure of any municipal official or Board to comply with the order of the Board of Appeals shall be taken to the Superior Court within thirty (30) days of such decision or action in accordance with Rule 80B of the Maine Rules of Civil Procedure and Title 30, M.R.S.A., Section 2411, Sub-section 3. Except as otherwise provided by statute, every person shall have the right to inspect and copy any record of the Board's proceedings; provided that, the inspection may be scheduled to occur during regular business hours and at such a time as will not inconvenience the regular activities of the office having custody of the record and provided further that the cost of copying the record or, if necessary, the translation of mechanical or electronic data compilations into some other form, shall be paid by the person requesting the copy.

## 6.5 Special Appeals

### A. Flood Plain District Variances

1. The Board of Appeals may grant a variance from strict compliance with requirements of this Article after public notice and public hearing as provided in Article 6 of this chapter provided the following conditions are met:
  - (a) The applicant can show that a failure to grant a variance would result in undue hardship as defined in Title 30 M.R.S.A. §4963.
  - (b) A determination made by the Board with a certification from a registered professional engineer provided by the applicant, if need be, that the granting of the variance will not result in increased flood heights. The professional engineer shall include the following information within the certification: criteria on which the certification was based; any assumptions that were made; source of data for those assumptions; and references to the research material that was relied upon in making the certification. In addition, the Board shall determine as a condition for the granting of the variance that it will not result in threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
  - (c) A determination by the Board that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (d) The applicant shall be notified in writing that the issuance of a variance to build a structure below the base flood level will result in increased premium rates for flood insurance and such construction below the base flood level increases risks to life and property.

### B. Shoreland Zone Variances

When by reasons of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by reason of the literal application and rigorous enforcement of the terms of this chapter), the Board of Zoning Appeals may grant a variance from strict compliance with the requirements of this chapter after notice and public hearing as provided in Article 6 of this Chapter. No such variance shall be granted unless the Board is satisfied that the variance applied for will not adversely affect the quality of the adjacent water body. When an



application for a variance is filed, it shall be forwarded to the Auburn Engineering Department together with a request for an informational report and a recommendation to the Board regarding the disposition of the requested variance application. In any case in which a variance request is granted despite the recommendation of the Engineering Department that it be denied, the Board of Appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the Board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the Board.

C. Lake Auburn Watershed Zone Variances

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid sewage disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the Board of Zoning Appeals may grant a variance from strict compliance with the requirements of this chapter after notice and public hearing as provided in Article 6 of this chapter. No such variance shall be granted unless the Board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn Water District and to the Auburn Engineering Department together with a request for an informational report and a recommendation to the Board regarding the disposition of the requested variance application. In any case in which a variance request is granted despite the recommendation of either the Engineering Department or the Water District that it be denied, the Board of Appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the Board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the Board.

## ARTICLE 7 - ADMINISTRATION AND ENFORCEMENT

- 7.1 Site Plan Review
- 7.2 Special Exceptions
- 7.3 Appeals and Applicability
- 7.4 Enforcement

### 7.1 Site Plan Review

#### A. Purpose

The purpose of site plan review is to ensure that the design and layout of certain developments permitted by special exceptions, or other developments noted herein, will constitute suitable development and will not result in a detriment to the neighborhood or the environment.

#### B. Objective

In considering a site plan, the Planning Board shall make findings that the development has made provisions for:

1. Protection of adjacent areas against detrimental or offensive uses on the site by provision of: adequate surface water drainage, buffers against artificial and reflected light, sight, sound, dust and vibration; and preservation of light and air; and
2. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas; and
3. Adequacy of the methods of disposal for wastes; and
4. Protection of environment features on the site and in adjacent areas.

#### C. Projects Requiring Site Plan Review

1. All uses permitted by Special Exception.
2. Any other uses for which site plan review is required by any other provision contained in other ordinances.

#### D. Procedure

1. An applicant for site plan review under this section shall file with the Planning Board no less than 15 working days prior to a regularly scheduled meeting, a site plan application along with an original and fifteen copies of the site plan.

2. The original plan shall be drawn on reproducible mylar at a scale of no more than 100 feet to the inch. Each site plan shall contain the following information:
  - (a) Name and address of owner and developer; and interest of the applicant if other than the owner or developer.
  - (b) Name of development, scale and meridian arrow, with specific definition of representation, date of plan and legend.
  - (c) Names and addresses of all owners of record of all adjacent property as appear on Assessor's records.
  - (d) Current zoning boundaries and 100 year flood plain boundaries including surrounding areas to a distance of 300 feet from the perimeter of the site.
  - (e) Easements; rights-of-way, existing, planned or proposed; or other reservations adjacent to or intersecting the property.
  - (f) Topographic map of the site.
    1. Existing contours: where the slope of existing ground surface is generally 2% or more, the topographic map shall show contours at intervals of five feet of elevation (or lesser intervals as the Planning Board or Engineering Department may prescribe). Where the slope of the existing ground surface is generally less than 2%, contour intervals of 1 foot shall be shown. These contours shall not be copied from the City topographical maps and shall be determined from an on-site survey certified by a registered land surveyor.
    2. Proposed contours: shall be shown at intervals to be determined by the City engineer.
  - (g) Location of watercourses, wetlands, marshes, surface water, rock outcroppings, wooded areas, single trees with a diameter of 10 inches measured 3 feet from the base of the trunk.
  - (h) Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of 100 feet from the property line, indicating whether existing buildings on the tract are to be retained, modified or removed.

- (i) Locations of water mains, sewer mains, wells, fire hydrants, culverts, drains, pipe sizes, grades and direction of flow existing within 200 feet of the subject property.
- (j) Existing soil conditions and soil suitability test results.
- (k) Locations of proposed buildings and uses thereof.
- (l) Proposed traffic circulation system including streets, parking lots, driveways and other access and egress facilities, curb lines, sidewalk lines, and existing streets, including the projected traffic flow patterns into and upon the site for both vehicles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.
- (m) Location of existing and proposed public utility lines, indicating whether proposed lines will be placed underground.
- (n) A storm drainage study certified by a professional engineer and a proposed drainage system plan, both surface and subsurface, showing measures proposed to prevent pollution of surface or groundwater, soil erosion, increased runoff, changes in groundwater level and flooding.
- (o) Location and design of proposed off-street parking and loading areas indicating number and size of stalls.
- (p) Proposed location and direction of, and time of use of outdoor lighting.
- (q) Existing and proposed planting, fences and walls, including all landscaping and screening, and indicating existing trees to be retained and areas to be left undisturbed, including design features intended to integrate the proposed new development into the existing landscape to enhance aesthetic assets and to screen objectionable features from neighbors.
- (r) Location, size, design and manner of illumination of signs.

- (s) Disposal of sewage, trash and other solid waste showing disposal facilities, receptacles or areas.
  - (t) Perimeter boundaries of the site giving complete descriptive lot data by bearings, distances, and radii of curves including the name and seal of the registered land surveyor who prepared the plan.
  - (u) Description and plan of capacity and location of means of sewage disposal together with approval of Sewer District engineer or evidence of soil suitability for such disposal (test pit locations shall be shown on the plans) similarly approved by the City Engineering Department.
  - (v) A statement of the amount of area of land involved in the site, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed, the number of dwelling units proposed per acre, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space and sidewalks, the total number of parking spaces required by the Zoning Ordinance for the uses proposed, the number of employees expected per shift, and the total floor area of proposed commercial or industrial uses.
  - (w) Description and plan of a "phase development concept" detailing the areas and sequence of phasing.
  - (x) A statement by the developer assuring that he has the financial capabilities to fully carry out the project and to comply with the conditions imposed by the Planning Board.
3. Upon request, the Planning Board, or the Planning Director, acting for the Board, may waive the necessity of providing any of the foregoing planning information which is not relevant to the proposed development.
  4. The Planning Director shall, within five days of receipt, transmit copies of the application and site plan to the department that in his view requires such information. The agencies receiving these copies shall have up to 21 days to make recommendations to the Planning Board.
  5. The Planning Board shall hold a meeting within 30 days of receipt of a completed application in the manner provided by Section 105.6(c) of Chapter 23 of the City Ordinances. The Planning Board will take final action on the site plan within 60 days of receiving a completed

application, or within such other time limit as may be mutually agreed to. Such final action shall consist of either: (1) a finding and determination that the proposed project will constitute a suitable development and will not result in detriment to the neighborhood or the environment, or (2) a written denial of the application stating the reasons for such denial, upon a finding that:

- (a) The provisions for vehicular loading, unloading and parking, and for vehicular and pedestrian circulation on the site and onto adjacent public streets will create hazards to safety.
- (b) The bulk, location, or operation of proposed buildings and structures will be detrimental to and adversely affect the use and values of existing development in the neighborhood or the health or safety of persons residing or working therein.
- (c) The provisions for on-site landscaping are inadequate to screen neighboring properties from unsightly features of the development.
- (d) The site plan does not adequately provide for the soil and drainage problems which the development will give rise to.
- (e) The provisions for exterior lighting create safety hazards for motorists traveling on adjacent streets, or are inadequate for the safety of occupants or users of the site, or will create a nuisance affecting adjacent properties.
- (f) The proposed development will unduly burden off-site sewer drainage or water systems.
- (g) The proposed development will create a fire hazard by failing to provide adequate access to the site, or to buildings on the site, for emergency vehicles.
- (h) The proposed development violates provisions of the zoning regulations applicable to the site or other applicable laws, regulations or ordinances.
- (j) The proposed development will unduly impact the ability to provide municipal services.

6. Approval may be made subject to conditions, modifications and restrictions as the Planning Board may deem necessary; and any construction, reconstruction, alteration or addition shall be carried on only in conformity to such conditions, modifications or restrictions in conformity with the application and site plan.
7. If no action is taken within 60 days after submittal of a completed application, the site plan shall be deemed to have been approved. An original of the approved plan signed by the Planning Board Chairman shall be retained by the Planning Board and one signed copy shall be delivered to the applicant, the Assessors Department, the Engineering Department and to the Building Inspector on which basis building permits may be issued when all other required plans have been approved.
8. The findings of the Planning Board shall be in writing with a copy being forwarded to the applicant. The Planning Board's written report shall also include a statement as to how any deficiencies in the site plan might be resolved and what conditions, modifications and restrictions are to be complied with in executing the plan.
9. Approval of a site plan shall expire one year after the date of approval unless all building permits have been obtained to begin construction in accordance with the approved site plan. Any site plan that contains a phase concept approved by the Planning Board shall not be required to obtain all building permits within one year of the date of original approval. A single one-year extension may be given upon a showing of good cause in writing by the applicant to the Planning Board not less than 30 days before the expiration of approval of his existing plan. The Planning Board shall approve or disapprove the requested extension at its next regular meeting.
10. No permit shall be issued for the construction of any building in an area including in the site plan or in any development for which a site plan is required until such site plan has been approved by the Planning Board and unless the construction plans and specifications presented to the Building Inspector with the application for the permit are consistent with the approved site plan. No certificate of occupancy shall be issued with respect to any building until all construction called for by the site plan is completed, except by special permission of the Planning Board granted upon a showing of special circumstances warranting the issuance of the certificate and that the remaining construction will be completed within a reasonable time.

11. The Planning Board may require the applicant with the submission of the site plan to tender a certified check payable to the City of Auburn, and issued by a surety company or secured by deposits issued by institutions authorized to issue the same by the Laws of the State of Maine or the United States or irrevocable letters of credit issued by said banking institutions in an amount of money determined by the City Planner, with the advice of the various city departments and agencies concerned, to be sufficient to ensure compliance with the approved site plan.



## 7.2 Special Exception

- A. Approval Required - The Planning Board may approve for development those land uses listed as Special Exceptions under the terms of the Zoning Ordinance. The determinations of the Board shall be in harmony with the expressed intent of the Zoning Ordinance and with the expressed major purposes of the Auburn Master Development Plan. Special exceptions shall be allowed only when they will substantially serve public convenience and welfare and will not involve dangers to health or safety.
- B. Conditions
1. As conditions prerequisite to the granting of any Special Exceptions, the Board shall require evidence of the following:
    - (a) That the Special Exception sought fulfills the specific requirements, if any, set forth in the Zoning Ordinance relative to such exception;
    - (b) That the Special Exception sought will neither create nor aggravate a traffic hazard, a fire hazard or other safety hazard.
    - (c) That the Special Exception sought will not block or hamper the Master Development Plan pattern of highway circulation or of planned major public or semi-public land acquisition;
    - (d) That the exception sought will not alter the essential characteristics of the neighborhood and will not tend to depreciate the value of property adjoining and neighboring the property under application.
    - (e) That reasonable provisions have been made for adequate land space, lot width, lot area, drainage, green space, driveway layout, road access, off-street parking, landscaping, building separation, sewage disposal, water supply, fire safety and, where applicable, a plan or contract for perpetual maintenance of all the common green space and clustered off-street parking areas to assure all such areas will be maintained in a satisfactory manner.
    - (f) That the standards imposed are, in all cases, at least as stringent as those elsewhere imposed by the Auburn Building Code and by the provisions of this chapter.
    - (g) That essential city services which will be required for the project are presently available or can be made available without disrupting the City's Master Development Plan.

2. As part of the grant or of the denial of any such petition for a Special Exception, the Board shall show by written statements filed in its records of such application and by a statement in the minutes of the Board how the Special Exception sought fulfills (or does not fulfill) the foregoing conditions and how it may be granted without danger to health or safety and without substantially derogating from the essential intents and purposes of the Zoning Ordinance or of the Auburn Master Development Plan.
3. Approval of a Special Exception may be made subject to such conditions, modifications and restrictions on the proposed land use as the Planning Board may deem necessary to carry out the foregoing objectives and conditions. Any development of the land uses allowed by Special Exception shall be carried out only in conformity to such conditions, modifications and restrictions in addition to those that may be called for by an approved site plan for the same site and shall be enforced by the Building Inspector in the same manner as specified for approved site plans. Any change, addition or enlargement of a use allowed by Special Exception shall require approval of the Planning Board in the same manner as specified for the original Special Exception.

C. Procedures

Special exceptions shall be subject to the Site Plan Review Procedure specified in Article 7, Section 7.1C. The Planning Board shall hold a public hearing, within 45 days of receipt of a completed application in the manner prescribed by Section 105.6(c) of Chapter 23 of the City Ordinances. The Planning Board will take final action on the Special Exception within 60 days after its submittal. The applicant shall accompany the application with the required fee stipulated by Article 9 of this chapter.

### 7.3 Appeals and Applicability

- A. Appeals - Appeals from decisions of the Auburn Planning Board or of the Auburn Zoning Board of Appeals shall be taken to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure. Where a record of the Board's proceedings has been kept, the Board shall, at the request of the appealing party and at his expense, furnish him with a transcript of the record for use in connection with the appeal.
- B. Applicability - The provisions of this Article shall apply to any development as defined in Section 7.1, the construction of which has not been commenced on the date on which they become effective; except that plans for developments which constitute subdivisions as defined by Chapter 23 of these ordinances need not also comply with the provisions of this Article.

### 7.4 Enforcement

- A. Permit Required - No building shall be erected, altered or moved in Auburn without first filing an application in writing with the Building Inspector. Such permits shall be applied for 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 uses thereof in all respects fulfill the provisions of this chapter and all other applicable City Ordinance provisions.
- B. Plan Required - Each application for a permit to build, enlarge, alter, or move a building shall be accompanied by a plot plan in duplicate drawn to scale showing and stating the dimensions in feet of the lot on which such building is proposed to be erected, enlarged, altered or moved, also the location and ground coverage dimensions of any building already existing upon such lot, and the location thereon and ground coverage dimensions on such lot of any building or structure proposed to be erected, or moved onto it. Such plot plan shall also show each street, alley or right-of-way on or adjacent to the lot in question. Upon request, the Building Inspector may waive the necessity of providing any of the foregoing information which is not relevant to the proposed project. 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.
- C. Municipal Officials Charged with Enforcement
  - 1. This chapter shall be enforced by the Building Inspector or the Zoning Officer.
  - 2. The Building Inspector, Police Chief, or Zoning Officer, on their individual initiative, or on the request of any other municipal official or upon any well-founded information in writing indicating possible violation of this chapter, shall make or cause to be made an investigation of facts and an inspection of the premises where such violation is said to exist.

3. If such investigation or inspection reveals evidence of a violation, written notice of the same shall be mailed or given to the owner, if known, and to the occupant of such premises with a demand in such notice that the violation be abated within such reasonable time as may be designated in the notice.
  4. Such notice and demand may be delivered in hand. If mailed, the notice and demand shall be sent by return receipt certified mail addressed to the owner at the owner's last known address or to the address appearing for the owner on the Auburn property tax listing and to the occupant at the address of the premises of such apparent violation.
- D. Abatement Proceedings - If, after such notice and demand, the violation has not been abated within the time specified, the Building Inspector, the Police Chief, the Zoning Officer, or 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. The initiation of proceedings under this section shall not prevent the City from also initiating proceedings under the following sub-section or under any other ordinance or State law to abate any zoning violation.
- E. Penalty - Any person or persons, firm or corporation being the owner or having the control of use of any land, building, structure, or premises, or part thereof in the City of 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 civil infraction and upon conviction thereof, shall be subject to a fine of not more than \$100 for each offense. Each day that such violation or failure to comply is permitted to continue after notification thereof, shall constitute a separate offense.

## ARTICLE 8 - AMENDMENT

### Sections

- 8.1 Initiation
- 8.2 Public Hearing
- 8.3 Planning Board Recommendation

#### 8.1 Initiation

- A. Amendments to the Zoning Ordinance, including the Zoning Map, may be initiated by the Planning Board on its own initiative or upon request by the City Council, or by a petition signed by not less than twenty-five (25) registered voters of the City of Auburn.
- B. 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 three blackline prints of a diagram drawn to scale showing and stating clearly the dimensions in feet, the area, metes and bounds of the land proposed for a change and 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.
- C. Each proposal to change any Zoning Ordinance text (other than a change of zoning district name or of zoning boundary description) shall include the wording then current, the words of change, the wording if so amended, and a statement of the reasons for such change, showing how such change would affect the public health, safety, convenience, and welfare.

#### 8.2 Public Hearing

- A. Within 45 days of submittal of a completed petition to amend the Zoning Ordinance Text or Map, the Planning Board shall hold a public hearing thereon.
- B. 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. The first such notice shall state the time, date, place, and general subject to be heard and shall be published not less than twelve (12) days before the date of such hearing, and the second such notice, containing the same information, shall be published not more than seven (7) days and not less than three (3) days before the date of such hearing.

- C. The Planning Board shall also give notice of such hearing to the petitioners. In the case of an amendment to the Zoning Map, the Planning Board shall give notice to property owners within 500 feet of the property proposed for rezoning by mailing to them, at their address appearing in the Auburn property tax listing copies of the first such notice as published. Failure of any petitioner or property owner 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 property owner and shall not invalidate any recommendation by the Planning Board on such zoning matter.

### 8.3 Planning Board Recommendation

The Planning Board shall, within 30 days of the conclusion of the public hearing, report the hearing and recommendations of the Board on the amendment(s) to the City Council.

## ARTICLE 9 - SCHEDULE OF FEES

### Sections

- 9.1 Establishment of Fees
- 9.2 Fee Schedule

#### 9.1 Establishment of Fees

The City Council, upon recommendation of the Planning Board, shall from time to time establish and amend a schedule of fees to be paid upon the filing of certain applications and petitions described in the Zoning Ordinance.

No certificate, permit, special exception, variance or zoning ordinance amendment shall be issued unless or until such fees have been paid in full by the applicants or petitioners; nor shall any action to schedule public hearings on applications or petitions be taken until the fees related to the application or petition have been paid in full.

#### 9.2 Fee Schedule

The following Fee Schedule is effective as of 1982:

<u>APPLICATION OR PETITION</u>	<u>FEE</u>
A. <u>Zoning Ordinance Text and Map Amendment</u>	
Private Petitions	\$75.00
B. <u>Site Plan Review Applications</u>	
1. Recreational	\$50.00
2. Multi-Family Residential	40.00
3. Motels	50.00
4. Commercial/Industrial	25.00
C. <u>Access Way Plan Applications</u>	
(Plus Registry of Deeds filing fee, if approved)	
D. <u>Appeals Application</u>	\$35.00
E. <u>Special Exception Applications</u>	\$35.00
F. <u>Taylor Pond Summer Camp Conversion Permits</u>	\$10.00

## ARTICLE 10 - CONFLICT, VALIDITY, SEVERABILITY

### Sections

- 10.1 Conflict of Laws
- 10.2 Validity
- 10.3 Severability

#### 10.1 Conflict of Laws

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. Nothing contained in this Chapter shall be construed as repealing or invalidating any existing ordinance or regulation of the City, but shall operate in addition thereto.

#### 10.2 Validity

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

#### 10.3 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 right or remedy of any character be lost, impaired or affected by this chapter.