

Ticket  
#3620

City of Auburn  
✓  
Eastern Die Co.

PLAINTIFF'S EXHIBIT 16  
CASE # 3620

C E R T I F I C A T E

In my capacity as Auburn City Clerk, I hereby certify that the attached documents are an exact copy of a zoning ordinance passed by the Auburn City Council September 7, 1960 except that they include amendments passed January 16, 1961 amending the uses permitted in forest and farming districts and amending the uses permitted in all residence districts, the latter amendment not permitting the establishment or maintenance of a die company or other use as a factory.

Leroy C. Linnell  
Auburn City Clerk

AUBURN ZONING ORDINANCE

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## ZONING ORDINANCE FOR THE CITY OF AUBURN

**TITLE:** An ordinance regulating and restricting the location, construction and use of buildings in the City of Auburn and for said purposes dividing the City into Zones.

### SECTION 1: PURPOSES

For the purposes set forth in State of Maine Revised Statutes of 1954 as amended in 1957 Chapter 90A and all acts in amendment thereof and in addition thereto and under the authority thereof and of any other enabling laws, the inspection, materials, construction, alteration and repair, height, area, location and use of buildings and structures and the use of land throughout the City of Auburn are hereby regulated as herein provided, and the City is hereby divided into districts as hereinafter designated, defined and described, and shown on an official copy of the zoning map, dated, September 7, 1960, as amended, on file with the City Clerk, which map is hereby made a part of this Ordinance.

SECTION 2: DEFINITIONS

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

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

- 2.06 Erected. The word "erected" shall include the words "built", "constructed", "reconstructed", "enlarged", and "moved".
- 2.07 a) Story. That portion of a building contained between any floor and the floor or roof next above it, but not including the lowest portion so contained if more than one-half of such portion vertically is below the mean finished grade of the ground adjoining such building.
- 2.07b) Half Story. A story directly under a sloping roof in which the points of intersection of the bottom of the rafters with the interior faces of the walls are less than three feet above the floor level.
- 2.07 c) Habitable Space. That area within a dwelling which has headroom of not less than seven feet when measured vertically upward from the finished floor, provided that any such are next below the roof of a dwelling shall be counted only if it is connected with the story next below by a permanent inside stairway. The floor area of any porch, veranda, basement room, garage, or other form of accessory structure attached to such dwelling shall not be counted in any measure of habitable space.
- 2.08 Front Yard. An open space extending across the entire width of a lot along its street frontage line from lot sideline to lot sideline and extending between the line of a street and the adjacent exterior of the building on such lot nearest a street frontage line.
- 2.09 Rear Yard. An open space extending across the entire width of a lot from sideline to sideline between the rear line of such lot and the adjacent exterior of the building on such lot nearest said rear line.
- 2.10 Side Yard. An open space extending along the side of a lot between the front yard and the rear yard on such lot and extending between the sideline of such lot and the adjacent exterior of the building on such lot nearest said sideline.

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- 2.11 ACCESSORY BUILDING: A building used for a purpose which is clearly subordinate or incidental to that of the principal building or to the principal use of the land and which is located on the same lot at the principal building or use.
- 2.12 ACCESSORY USE: The terms "accessory use" and "uses accessory thereto" shall include only the following unless further qualified in the text of the Ordinance.
1. A sub-ordinate use of land or building which is customarily incidental to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.
  2. Off-street parking; but in any residential zone not to include the parking or storage of more than one inoperable motor vehicle or in any urban residential district not more than one commercial vehicle.
  3. Home occupation, which shall be an occupation conducted by a resident of a dwelling which is clearly incidental and secondary to the residential use of the building, in connection with which there is no display, no stock in trade, no commodity sold on the premises, not more than two persons not residents employed, and which does not interfere with the peace and quiet of the neighborhood. Barber shops, beauty parlors, tea rooms, tourist homes, and animal hospitals shall not be considered as home occupations.
  4. Not more than one sign not over two square feet in area affixed to a building or in the front yard and illuminated by a shielded non-flashing light for each dwelling unit describing a home occupation located therein.
  5. A single real estate sign not over six square feet in area affixed to a building or in the front yard and illuminated only by a shielded non-flashing light relating to the sale, rental or lease of the premises.
- 2.13 MOBILEHOME COURT: A parcel of land under single ownership which has been planned and improved for the placement of not less than 20 mobilehomes for non-transient use.

SECTION 3: ZONING DISTRICTS

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

FOREST & FARMING DISTRICTS

FLOOD PLAIN DISTRICT

RURAL RESIDENCE DISTRICTS

SUBURBAN RESIDENCE DISTRICTS

URBAN ONE-FAMILY RESIDENCE DISTRICTS

KUBAN GENERAL RESIDENCE DISTRICTS

NEIGHBORHOOD BUSINESS DISTRICTS

GENERAL BUSINESS DISTRICTS

INDUSTRIAL DISTRICTS

- 3.2 In the event of any discrepancy between the boundaries of the zoning districts as shown on the official map and as hereinafter described or defined, the descriptions hereinafter set forth or as they may be amended shall govern.
- 3.3 Forest & Farming Districts. Every part of the City of Auburn not otherwise hereinafter designated Flood Plain, Rural Residence, Suburban Residence, Urban Residence, Neighborhood Business, General Business or Industrial District is hereby expressly declared to be in Forest & Farming Districts.

(See Appendix for paragraphs 3.4)  
(through 3.9, which states in words)  
(the boundary descriptions of all)  
(the zoning districts in each of)  
(the categories named in paragraph)  
(3.1 above, other than Forest &  
(Farming Districts.)

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

- 4.01 In the zoning districts above specified and described, the following designated buildings and alterations and extensions thereof and buildings accessory thereto and the following designated uses of land, of buildings and of parts of land of buildings and uses accessory thereto are permitted. All other buildings and uses of land or of buildings are hereby expressly prohibited, except those already lawfully existing which by the operation of this provision would hereby become lawfully non-conforming. Trailers and mobile homes are specifically prohibited except in Mobile Homes Courts or as residences for farm labor or management only on the farm where actually employed and only so long as so employed.
- 4.02 When a lot in one ownership is situated in part in the City of Auburn and in part in an adjacent town or city, the provisions, regulations and restriction of this Ordinance shall be applied to that portion of such lot as lies in the City of Auburn in the same manner as if the entire lot were situated in Auburn.
- 4.03 When a zoning district boundary divides a lot in one ownership, all the zoning regulations set forth in this Zoning Ordinance applying to the greater part by area of such lot so divided may also be deemed to apply and govern at and beyond such zoning district boundary but only to an extent not more than thirty (30) linear feet in depth (measured at a right angle to such boundary) into the lesser part by area of such lot so divided.
- 4.04 Any lawfully non-conforming building or structure and any lawfully non-conforming use of building or land may be continued in the same kind and manner and to the same extent as at the time it became lawfully non-conforming, but such buildings or use shall not at any time be changed, extended or enlarged except for a purpose permitted in the zoning district in which such building or use is situated, or except as may be permitted otherwise as a variance of (not as an exception to) this provision by the Auburn Board of Appeals within the terms and conditions of Section 9 of this Ordinance.
- 4.05 a) If any non-conforming building or non-conforming use of a building or of land be changed to one conforming with Auburn Zoning Ordinance provisions in the district in which located, it shall thereafter continue to conform.



- 4.05 b) If any non-conforming use of a building or of land be discontinued for a period of twelve consecutive months duration or more, such use shall not be resumed, and only a use conforming with Auburn Zoning Ordinance provisions in the district in which located shall thereafter be made of such building or land, except as may be permitted otherwise by the Auburn Board of Appeals under Section 9 of this Ordinance, as a variance, not as an exception.
- 4.05 c) Any non-conforming building or structures destroyed or damaged by fire, flood, lightning, wind or otherwise to the extent of 65% 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 nor altered except for a purpose permitted in the zoning district in which such building is located, or except as may be permitted otherwise by the Auburn Board of Appeals under Section 9 of this ordinance, as a variance, not as an exception. A residence building on a full foundation in a farm and forest zone, shall not be deemed non-conforming for the purpose of this paragraph.

4.1 Uses Permitted in Flood Plain Districts

- 4.11 Any woodland, grassland, marshland, agricultural or horticultural use of land, but no building of any kind because of flood dangers except commercial building where adjacent to General Business Zones provided that:
- a) The density of structural materials shall be such that under high water conditions said materials shall not float in water;
  - b) The contents, such as furniture, stock in trade or otherwise of said structure and appurtenant to the use thereof shall not constitute a threat to other structures under high water conditions;
  - c) No filling material will be deposited on the lot or parcel in question which materials in any way would have an adverse effect upon the free passage of flood water;
  - d) All other principles of the zoning ordinance, building code, and other ordinances and regulations are fulfilled including but not limited to, loading areas, off-street parking, percentage of lot occupancy, set-back limitations, all corresponding to the requirements in the zone indicated by the use intended;
  - e) Such proposed construction will not be detrimental to the public health, safety, convenience and welfare.

- 4.12 In Flood Plain District the owners of property destroyed or damaged as indicated in 4.05 c) shall be permitted by the Board of Appeals to utilize his land for subsequent occupancy by a structure provided that the conditions "a" to "e" of Section 4.11 are fulfilled.
- 4.13 No alteration of the natural contour of the land by grading or filling for any purpose shall be allowed except for the purposes which can be considered approved soil conservation measures.
- 4.2 Uses Permitted in Forest and Farming Districts
- 4.21 Woodlands, orchards, gardens, pastures and fields with all land, building equipment and machinery and buildings accessory to the same including but not limited to the following: Barns, poultry raising building, sales, service and storage of farm equipment and machinery; processing, handling, storage, and sale of agricultural produce, services, and supplies.
- 4.22 Summer camps and bonafide farm residences required for farm labor or management but no other year-around dwellings by new construction nor by conversion of non-residential or seasonal residential structures.
- 4.23 Outdoor recreational uses of land with such accessory buildings as may be required only after approval by the Planning Board. Such approval shall be based on the following terms and conditions:
1. Submission of a written statement of the proposed use.
  2. Submission of plan(s) to contain the following data:
    - (a) Locus map showing adjacent properties
    - (b) Location and type of improvements
    - (c) Access roads
    - (d) Water supply
    - (e) Sewage disposal
    - (f) Description of terrain
  3. Compliance with applicable safety regulations.
  4. That such uses will not be detrimental to the public health, safety and welfare.
- 4.25 Uses permitted in Rural Resident District.*
- 4.251 All the uses in Section 4.21, 4.22 and 4.23 above and in 4/3 below.

4.3 Uses Permitted in all Residence Districts

- 4.31 Woodlands, orchards, pastures and fields, gardens, farming as further specified below, dwellings as further specified below, schools, libraries, museums, churches, hospitals, convalescent homes, rest homes, municipal uses, and other uses and activities hereunder specified, also if permitted by the Board of Appeals as an exception within the terms and conditions of section 9 of this Ordinance, radio, radar, television or radio-telephone transmitting or broadcasting towers but not studies nor offices for such transmitting or broadcasting.
- 4.32 a) Farming of field crops, row crops, orchards, truck gardens, plant and tree nurseries, also greenhouses and subject to the further provisions below, poultry farms, cattle farms, dairy farms, stud farms, piggeries, sheep ranches and other animal farms including farms for raising furbearing animals, seasonal markets for sale of farm products raised on the premises.
- 4.32 b) The poultry farming and animal farming above described shall be permitted only on farms each not less than three (3) acres land area (excluding any water bodies of one-quarter acre surface area or larger) and shall be permitted only in Rural Residence and Forest & Farming Districts, except that on any lot in any zoning district there may be kept over and above the household pets of the family living on such lot other birds or animals of any kind or assortment, and except as further provided in the two subparagraphs 4.32 c) and 4.32 d) below:
- 4.32 c) On any lot of not less than three (3) acres in any zoning district any licensed kennel or licensed veterinarians may keep more than three animals or birds or pets of persons other than those of the family resident on such lot.
- 4.32 d) In Suburban Residence District on lots of not less than three (3) acres land area (excluding water bodies of one-quarter acre surface area), there may be kept not more than one hundred (100) combined total number of any kind or assortment of poultry or game birds, together with nor more than twenty-five (25) combined total number of any kind or assortment of animals, over and above the household pets of the family resident on such lot, this paragraph shall not apply to or limit the expansion of presently operating animal or poultry farms of 15 acres or more.
- 4.23 e) One family dwellings in all Residence Districts, provided each such dwellings shall contain not less than the following net floor areas of habitable space:
- (1) If one-story, not less than 600 sq. ft. area;

- (2) If  $1\frac{1}{2}$  story, not less than 600 sq. ft. on the first floor, and not less and 250 sq. ft. area above the first floor;
  - (3) If two-story, not less than 600 sq. ft. area on the first floor and not less than 600 sq. ft. area on the second floor.
- 4.33 b) Any one-family dwelling erected prior to January 1, 1958 may as of right be converted to accommodate not more than two families provided the application for a building permit for such conversion shall show that there will be not more than two dwelling units, and that:
- (1) There will be not less than one accessible off-street parking space of 250 sq. ft. area, exclusive of driveways, per dwelling unit resulting from such conversion:
  - (2) Stairways leading to any floor above the first floor will be enclosed within the exterior walls of the dwelling and any fire escapes required will be on the rear or one side of the dwelling and not on any wall facing a street.
  - (3) After such conversion, the building converted shall retain substantially the appearance and character of a one-family dwelling.
- 4.34 a) In Urban General Residence Districts outside the limits of the Fire Zone as defined in the Auburn Building Code, as amended, there shall be permitted one-family, two-family, three-family, and four-family dwellings all subject to the land space, lot size, lot width, yard space and building height provisions elsewhere set forth in this Ordinance.
- b) In Urban General Residence Districts inside the limits of the Fire Zone as defined in the Auburn Building Code, as amended, there shall be permitted one-family, two-family, three-family and multi-family dwellings including vertical apartments, all subject to the land space, lot size, lot width, yard space and building height provisions elsewhere set forth in this Ordinance.
- c) In Urban General Residence Districts, there shall be permitted horizontal row houses and garden apartments only after siteplan review and approval by the Planning Board after public hearing thereon with due notice given to assure fulfillment of and enforcement by the Building Inspector of reasonable conditions as to land space, lot width, lot area yard space, driveway layout, off-street parking, landscaping grading, building separation and fire safety which said Board shall from time to time adopt or amend and adopt. Said regulations shall be not less demanding on the topics specified than the City of Auburn Building Ordinance,

the City of Auburn Subdivision Ordinance other parts of Section 5 of the City of Auburn Zoning Ordinance, and appropriate section of the City of Auburn Health Ordinance.

- d) In Urban one-family Residence Districts wherever situated, there shall be permitted only one-family dwellings and uses customarily incident and accessory thereto, including those specified in 4.33 above, also all the uses specified in 4.31 above, but no others.

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

4.36 In suburban residence districts there shall be permitted mobilehome courts only after approval by the Planning Board of plans and specifications to be submitted by the applicant therefor.

All plans submitted for approval shall conform to minimum standards for such courts to be adopted by the Planning Board; a copy of such standards shall be available at the office of the City Planner.

The Planning Board shall hold a public hearing on each application after due notice to the abutting property owners by certified mail and to the general public by advertising in a newspaper of general circulation in Auburn. Failure of any property owner to receive such 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 Planning Board on such matter.

It shall be the duty of the Building Inspector to inspect and certify to the Planning Board that the court is built in conformance to the approved plans prior to the occupancy of any mobilehome in the court.

4.4 Uses Permitted in Neighborhood Business Districts

- 4.41 a) Each Neighborhood Business Zoning District shall contain not less than one acre and not more than four (4) acres aggregate area including off-street parking as well as green spaces and building spaces, but excluding streets and ways.
- b) Stores for the retail sale of food, drugs, and other articles or commodities for use and consumption in neighboring households; also offices or premises for personal and professional services, and one automobile lubricating and gasoline filling station per Neighborhood Business District. Automobile repair garages and automobile sales places shall not be permitted in Neighborhood Business Districts.
- c) Off-street parking in each Neighborhood Business Zoning District shall be provided with each building therein erected or altered for non-dwelling uses after the effective date of this ordinance in the ratio of not less than four square feet of off-street parking space (including driveways) for each square foot of retail store street floor selling floor space, and in the ratio of not less than two square feet of off-street parking space (including driveways) for each square foot of banking, post-office, business space, whether on the street floor level or on any other floor level.
- 4.42 No loading platforms or receiving doors shall be located on the street side of any retail store or other commercial building in Neighborhood Business Districts unless such platforms or receiving doors be located not less than 60 feet from the side line of any street.



4.43 Dwellings, as specified in paragraphs 4.33 a) and b), 4.34 b) and Secs. 5, 6 & 7 of this Ordinance; also churches, schools, libraries, museums, local passenger stations and municipal or other public or civic buildings.

4.44 Signs in Neighborhood Business Districts shall be only those permitted under the regulation for signs in General Business Districts. (See paragraph 4.55 hereunder).

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

4.5 Uses Permitted in General Business Districts

4.51a) Retail stores and wholesale stores, salesrooms, showrooms or places for any professional, artistic or mercantile activity not involving large-scale manufacturing on the premises, except that retail bakeries or retail confectioneries in which not more than five persons are engaged in the manufacture and sale on the premises of the bakery or confectionery goods there produced, including ice cream, shall be permitted.

b) Banks, business offices, professional offices, personal service premises, local passenger stations, governmental offices, and municipal, civic or public service building such as post office, telephone exchange, school, library, museum, church.

c) Hall, club, theatre or other place of amusement or assembly.

d) Restaurant, dining room or lunch room.

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

4.52 a) In General Business Districts or portions thereof outside the limits of the Fire Zone as defined in the Auburn Building Code as amended, dwelling as specified in paragraphs 4.33 a) and b), 4.34 a) and Sections 5, 6, & 7 of this Ordinance.

4.53 Motels: In General Business Zones there shall be permitted motels only after approval by the Planning Board of plans and specifications to be submitted by the applicant therefor.

All plans submitted for approval shall conform to minimum standards for such motels to be adopted by the Planning Board; a copy of such standards shall be available at the office of the City Planner.

The Planning Board shall hold a public hearing on each application after due notice to the abutting property owner by certified mail and to the general public by advertising in a newspaper of general circulation in Auburn. Failure of any property owner to receive such 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 Planning Board on such matter.

It shall be the duty of the Building Inspector to inspect and certify to the Planning Board that the motel is built in conformance to the approved plans prior to the occupancy of any motel.



August 24, 1960

4.55

Signs in Business Districts

- a) Signs in Business Districts shall relate to the premises on which they are located and shall only identify the occupant of such premises or advertise the nature of the occupancy or of the products or services available within said premises, except the off-premises signs no larger than 24 square feet and no more than three such signs in Auburn for any one business venture shall be allowed.
- b) Sign on Building: There shall be permitted not more than one sign affixed to the exterior of a building for each occupancy therein, except that any use of a building which fronts on two or more streets may be permitted one such sign on each street frontage.
- c) Free-standing sign: There shall be permitted not more than one free-standing sign per business. The top edge of any such free-standing sign shall be not higher than twenty-five (25) feet vertical measure above the average level of the ground between the supports of such sign. For traffic safety, the whole of the signboard or display elements of any such free-standing sign shall be either below three feet height or above ten (10) feet height above said average ground level. Any such permitted free-standing sign may be located within the front yard space required but not nearer than twelve (12) feet to either of the lot side lines.
- d) No free-standing sign shall be of dimensions exceeding one hundred thirty (130) square feet gross area of signboard, or, if not signboard, one hundred thirty (130) square feet gross display area measuring from the top of the topmost display elements to the bottom of the lowest display elements, including in such measurements any blank space between display elements.

4.56

No loading platforms or receiving doors shall be located on the street side of any retail store or other commercial building in a General Business Districts, except gasoline filling stations, unless such platform or receiving doors be located not less than 60 feet from the side line of any street.

**4.6      Uses Permitted in Industrial Districts**

- 4.61      Any manufacturing, processing, wholesaling, warehousing or other commercial non-retail activity free from neighborhood disturbing factors; also uses of land and of buildings customarily accessory to such activity including the business office of such activity provided that the activity proposed will not be noxious, offensive or detrimental to the neighborhood or to the City by reason of special danger of fire or explosion, pollution of water ways, emission of corrosive, toxic or noisome fumes, gas, smoke, soot, obnoxious dust, disagreeable odors, offensive noises or other objectionable characteristics.
- 4.62      Farming and accessory activities as specified in subparagraph 4.31, also farm dwellings on premises actively farmed, but not other dwelling except motels as specified in Sections 4.53 of this Ordinance.
- 4.63      Premises of a bank, post office, telephone exchange or telephone business office, local bus passenger station, airport, and governmental buildings.
- 4.64      Signs in Industrial Districts shall be of the same nature and dimensions and location as in Business Districts and shall be covered by the provisions of subparagraph 4.55 of this Ordinance.
- 4.65      On petition, subject to site plan review and approval by the Planning Board after a public hearing thereon with due notice given, automobile service and filling stations, motels, diners, restaurants, retail food stores, but not other retail stores of any kind.
- 4.66      Expressly prohibited in Industrial Districts are automobile junk yards, automobile outdoor dead storage yards and automobile outdoor display yards.
- 4.67      No loading platforms or receiving doors shall be located on the street side of any retail store or other commercial building in Industrial Districts unless such platforms or receiving doors be located not less than 60 feet from the side line of any street.

SECTION 5: LOT AREAS AND LOT WIDTHS REQUIRED,  
ALSO SPECIFIC EXCEPTIONS

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

5.3 Lot Area and Lot width in all Residence and Forest & Farming Districts

5.31 Urban Residence Districts

- a) In Urban one-family Residence Districts no building shall be erected except on a lot containing not less than ten thousand (10,000) square feet and not less than one hundred (100) feet width at the street frontage, except as further specified in paragraph 5.6 below.
- b) In Urban General Residence Districts outside the Fire Zone as defined in the Auburn Building Code, as amended, for each dwelling structure erected after the effective date of this Ordinance, there shall be provided land spaces as follows:

Structures housing one-family: 10,000 square feet minimum lot area, not less than 100 feet width at the street frontage;

Structures housing two-families: 12,500 square feet minimum lot area, not less than 100 feet width at the street frontage;

Structures housing three families: 15,000 square feet minimum lot area, not less than 100 feet width at the street frontage;

Structures housing four families: 17,500 square feet minimum lot area, not less than 150 feet width at the street frontage.

5.31 Continued)

Multi-family, vertical, fire-resistant apartment structures inside the Fire Zone as defined in the Building Code: 10,000 square feet for the first apartment and 2,500 square feet additional for each additional apartment.

- 5.33 In Suburban Residence Districts no dwelling shall hereafter be erected except on a lot containing not less than twenty-two thousand five hundred (22,500) square feet area and not less than one hundred fifty (150) feet width at the street frontage.
- 5.34 In Rural Residence Districts no dwelling shall hereafter be erected except on a lot containing not less than fifty thousand (50,000) square feet and not less than two hundred and fifty (250) feet width at the street frontage, by two hundred (200) feet.
- 5.35 In Forest & Farming Districts, or Rural Residence Districts, summer camps may be erected on lots containing not less than 22,500 square feet, and not less than 100 feet in the least dimension unless such lot is of record at the time of passage of this ordinance and can be shown to be of adequate size to properly provide for required yard space and sewage disposal facilities.

5.4 In Business Districts

5.41 Each lot recorded after the effective date of this Ordinance shall contain not less than twenty-two thousand five hundred (22,500) square feet area and will be not less than one hundred twenty-five (125) feet width at the street frontage, and not more than thirty (30) per cent of the total area of any such lot may be covered by building.

5.42 Any yard space or area required to be kept open and unbuilt upon such lot may nevertheless be used for off-street automobile parking, if otherwise lawful, except that a green strip not less than ten (10) feet wide on which to grow grass, bushes, flowers or trees shall be maintained open and green; unbuilt on, unpaved and not parked on, all along each side or rear property line of such a lot wherever it abuts land residentially zoned.

5.5 In Industrial Districts

5.51 Each new lot hereafter recorded shall contain not less than forty thousand (40,000) square feet area and be of not less than one hundred and fifty (150) feet width at the street frontage and not more than twenty (20) per cent of the total are of any such lot may be covered by buildings.

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

5.53 Any yard space or area required to be kept open and unbuilt on such lot may nevertheless, if otherwise lawful, be used for outdoor storage of articles, supplies, and materials except that such storage be screened from the view of abutting property owners and/or streets, also providing that such outdoor storage occupy not more than an additional ten (10) per cent of the lot, also a green strip not less than thirty (30) feet wide on which to grow grass, shrubs, flowers or trees, shall be maintained open and green, unbuilt and unpaved and not parked on all along each side or rear property line of such lot wherever it abuts land residentially zoned.

5.6 Lot Area and Lot Width Exceptions

- 5.61 a) "The lot area and lot width requirements of paragraph 5.3 of this ordinance shall not apply in any Residence District to any lot used for a structure to house not more than two families if such lot contains less area or is of less width than above required and if such lot was lawfully laid out and duly recorded by plan or deed prior to the effective date of this ordinance and provided the front yard, side yard, and rear yard requirements, if any, in effect immediately prior to the effective date of this ordinance shall apply to each such lot.
- b) In Business Districts, the requirements under paragraph 5.41 of this Ordinance as to lot area, lot width and the portion of lot coverable by buildings, shall apply to groups in one ownership of older lots of less area or less width than above required, but shall not apply to individual lots not adjoined by other land of the same owner provided any such individual lot was lawfully laid out and duly recorded by plan or deed prior to the effective date of this Ordinance and provided the front yard, side yard and rear yard requirements, if any, in effect on the date of recording of such plan or deed shall apply to each individual lot.

SECTION 6: YARD SPACES REQUIRED

- 6.1 In all Residence Districts there shall be provided on each lot open yard spaces of not less than the number of feet depth below stated all along the front, rear and each side property line of such lot, except as may be permitted otherwise by the Board of Appeals in Urban Residence Districts only and only as a variance under Section 9 of this ordinance in cases where the literal enforcement of the number of feet yard depth stated below as to one or more of such yard spaces would cause unusual hardship or severe practical difficulty peculiar to the placement of a building on such lot but not on other lots adjoining or nearby within the same Urban Residence Zoning District, or except as otherwise provided under Section 5.61 of this ordinance.
- 6.2 No building or structure shall hereafter be erected, altered or moved so that any part thereof (except eaves, steps, or uncovered porches) shall be nearer than twenty-five (25) feet from the front line or rear line of any lot in any Residence District or Farm & Forest District, or nearer than fifteen (15) feet from either sideline of any lot in any such district, except that on a corner lot, no building or structure hereafter erected shall be nearer than twenty-five (25) feet from any street line.
- 6.3 In Business Districts
- a) There shall be provided on each lot an open yard space of not less than twenty-five (25) feet depth all along the front and along each side property line of such lot except as may be permitted otherwise as an exception under Section 9 of this Ordinance by the Board of Appeals as to front yards and side yards (but not rear yards) on petition after a public hearing with due notice given or except as otherwise provided under section 5.61 of this Ordinance.
  - b) In the rear of every building or structure hereafter erected in any Business District there shall be an open yard space unbuilt upon of not less than thirty-five (35) feet depth. No building or structure shall hereafter be built, altered, moved, reconstructed or extended so that any part thereof including loading platforms, covered or open, but not caves, or steps shall be nearer than twenty-five (25) feet from the front line or side line of any lot in such district except as above provided, nor nearer than thirty-five (35) feet from the rear line of such lot,



or except as otherwise provided under section 5.61 of this ordinance.

- c) Where the requirement of a railroad siding exists, the open yard space regulation as set forth in section 6.3 (a) & (b) above are abrogated 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.
- d) Where a Business District adjoins a Flood Plain District the open yard space regulations as set forth in section 6.3 (a) and (b) above are abrogated for the property line abutting the Flood Plain District.

6.4

- a) In Industrial District there shall be provided on each lot an open yard space of not less than thirty five (35) feet depth all along the front line and along each sideline of such lot, and not less than fifty (50) feet depth along the rear line of such lot, except that an open yard space of not less than fifty (50) feet depth shall be provided on any lot in an Industrial District wherever such lot abuts land residentially zoned, except as otherwise specified in Section 4.53 of this Ordinance regarding motels when permitted in Industrial Zoning District.
- b) Where the requirement of a railroad siding exists the open yard space regulations as set forth are abrogated 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.
- c) Where an Industrial District adjoins a Flood Plain District, the open yard space regulations as set forth above are abrogated for the property line abutting the Flood Plain District.

SECTION 7: BUILDING HEIGHTS PERMITTED

- 7.1 In all Residence Districts and in Business Districts where permitted one-family, two-family and row house structures shall not exceed two and one-half stories or thirty-five (35) feet in height.
- 7.2 a) In Urban General Residence Districts inside the Fire Zone as defined by the Auburn Building Code, as amended, multifamily vertical apartment structures erected after the effective date of this Ordinance shall not exceed six stories or seventy-five (75) feet in height.
- b) No wood frame or timber dwelling structure existing within said Fire Zone on the effective date of this Ordinance shall thereafter be increased in height, and the Board of Appeals shall not entertain any appeal for any such height increase.
- 7.3 In Neighborhood Business Districts and in General Business Districts or portions of General Business Districts outside the Fire Zone as defined by the Auburn Building Code, as amended, all permitted structures whether for business, commercial or dwelling purposes shall not exceed two stories or thirty-five (35) feet in height.
- 7.4 In General Business Districts or portions of General Business Districts inside the Fire Zone as defined by the Auburn Building Code, as amended, masonry and/or steel business structures and apartment structures as above provided shall not exceed six stories or seventy-five (75) feet in height.
- 7.5 In Industrial District buildings shall not exceed forty-five (45) feet in height.
- 7.6 The foregoing limitations of height in feet in the zoning districts designated shall apply to all farm dwellings but shall not apply to other farm buildings on farms of not less than three acres nor shall such limitations apply to chimneys, ventilators, skylights, tanks, bulkheads, penthouses, processing towers and other accessory structural features usually erected at a height greater than the main roofs or any buildings, nor to domes, bell towers, or spires of churches or other buildings, provided all such features are in no way used for dwelling purposes.

SECTION 8. EARTH MATERIALS REMOVAL REGULATIONS

8.1 Removal Permit, Application, Hearing and Notice

8.11 The removal of sod, loam, soil, clay, sand, borrow, gravel or stone from any land in the City of Auburn not in public use is hereby prohibited except such removal as may be authorized in any zoning district by a permit issued by the Planning Board and except such removal or transferral as is permitted under sub-paragraphs 8.31 to 8.34 of this Ordinance.

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

- (a) Extent of time
- (b) area and depth of excavation
- (c) steepness of slopes excavated
- (d) distance between edge of excavation and neighboring properties or ways
- (e) temporary or permanent drainage in a manner to be approved by the City Engineer
- (f) the posting of security or bond in a dollar amount to be determined by the Planning Board on the advice of the City Engineer, to be sufficient to guarantee fulfillment of conditions imposed
- (g) The replacement of not less than six (6) inches of top-soil over the whole of any area from which earth materials are removed where the location of such removal is afterward to become a residential subdivision, or,
- (h) in the case of continuing clay-pit or sand or gravel pit operations in one general locus (but not in the case of continuing cut-stone or of continuing crushed rock removal operations at one general locus) recovering finished out banks with not less than six (6) inches of top soil.