City of Auburn, Maine
Office of Planning & Permitting
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

PLANNING BOARD AGENDA
November 19, 2026 – 6:00 p.m.
City Council Chambers, 60 Court Street

1. **ROLL CALL**

2. **MINUTES:** Approval of the October 28 meeting minutes

3. **NEW BUSINESS**

   A. **CHAPTER 60 ZONING AMENDMENTS LD2173:** Workshop discussion of proposed lot access and street standards.
   B. **CHAPTER 46 AMENDMENTS:** Workshop discussion of proposed lot access and street standards.

4. **PUBLIC COMMENT**

5. **MISCELLANEOUS**

6. **PLANNING BOARD ITEMS FOR DISCUSSION**

7. **ADJOURNMENT**

Auburn Planning Board meetings can be viewed live on the City of Auburn YouTube channel (https://www.youtube.com/c/CityofAuburnMaine), and on Great Falls Television (Spectrum Cable Channel 11). Following live broadcasts, Planning Board meetings are rebroadcast at 7:00AM, noon, and 7:00PM on Tuesdays on GFTV and are available anytime on our YouTube channel.

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PLANNING BOARD MINUTES
October 28, 2026

1. ROLL CALL

Ed Bearor (Chair), Riley Bergeron, Tim DeRoche, Chelsea Eaton, Bob Hayes, Maureen Hopkins, Bilal Hussein, and Kathy Shaw

Absent was Andrea Westbye

Staff members present: DeCarlo Brown (Planning Director) and Lauren Caffe (Long Range Planner)

Ed Bearor elevated Kathy Shaw to a full member with voting privileges.

The Board unanimously agreed to move public comment before Old/Continued Business so they can consider any additional comments regarding the Comprehensive Plan before beginning their deliberations and making recommendations to the City Council.

2. PUBLIC COMMENT

Stephen Beale of 575 Johnson Road - recommended adoption of the comprehensive plan with one change: to replace "secondary" with "accessory" on page 79 when describing residential development's relationship to agriculture, forestry, and related uses to coincide with the existing ordinance. He said after extensive public input, the Planning Board and City Council adopted major Agriculture and Resource Protection Zone changes in 2023. Those changes resulted in 18 permitted uses and 20 allowed by special exception, along with a process for reviewing applications. He said the ordinance is working well and recommended adopting the comprehensive plan as presented by the Comprehensive Plan Committee.

Mary Moore – landowner on Jordan School Road - thanked the Planning Board & Comprehensive Committee for their hard work on the draft comprehensive plan. She said even though she appreciates and respects the city's goal of preventing sprawl and protecting its rural heritage, the rules are too strict for landowners in the Agriculture & Resource Protection Zone and makes it hard for families to build homes on land they own and pay taxes on. . She said protecting the land should be a partnership between the city and landowners. She asked the board to replace constraints with a plan that preserves the environment by supporting a family's right to build a home and to live, work, and thrive on the land that they care for.

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John Cleveland of 183 Davis Avenue and Chair of the Comprehensive Plan Committee – said the Agriculture and Resource Protection Area restrictions have existed since 1960 and have become more flexible over time. After extensive review, the Comprehensive Plan Committee expanded growth areas throughout the community to allow more development for housing, industry, and community uses while protecting farmland and natural resources and limiting costly sprawl. The committee believes the plan strikes a responsible balance and recommends keeping the proposed land-use categories unchanged.

3. **OLD/CONTINUED BUSINESS**

A. WORKSHOP: Continued draft Comprehensive Plan Review (http://tinyurl.com/plan-auburn)

1. Vision, Goals and Policy Recommendations Future Land Use Policy 1.

Motion made by Maureen Hopkins and seconded by Bob Hayes to recommend the proposed language change for Future Land Policy 1. to the City Council. Vote 7-0 Motion Carries

2. LID Standards, Landscape and Buffering Standards. FLU 2.1.13.

Motion made by Ed Bearor and seconded by Tim DeRoche to recommend the proposed language change for FLU 2.1.13 to the City Council. Vote 7-0 Motion Carries

3. Community Action Item C 5.2.2.

Motion made by Bilal Hussein and seconded by Bob Hayes to recommend the proposed language change to C.5.2.2 to the City Council. Vote 7-0 Motion Carries

4. Transportation. E Scooters & Bike Safety. T 3.1.7 & T 3.1.8.

Motion made by Bob Hayes and seconded by Riley Bergeron to recommend the proposed language change for T 3.1.7 and T 3.1.8 to the City Council.

Concern was expressed about recommending micro scooters that may not have blinkers, headlights, or taillights to use standard traffic lanes and that it could be a huge liability. It was noted that T 3.1.7 suggests collaborating with Public Works and the Police Department to create guidelines and that may help address that concern. It was also noted T.3.1.8 says regulations will be considered not implemented and that regulations will be developed by public safety experts. It was suggested to revise the language.

Bob Hayes withdrew his motion and Riley Bergeron withdrew his second.

Motion made by Maureen Hopkins and seconded by Bob Hayes to recommend the language in T 3.1.7 to read collaborate with partners to create resources, guidelines, and regulations for micromobility devices such as E-Bikes and E-Scooters, eliminate the proposed language in T 3.1.8 and do not recommend that language, and recommend to consolidate the responsible groups from T 3.1.7 and T 3.1.8 into T 3.1.7 so that the Police

Department, Public Services, Engineering, and Public Works are also considered. Vote 7-0 Motion Carries

5. Maintenance of Pedestrian Infrastructure During Winter. T 3.1.3

Motion made by Ed Bearor and seconded by Maureen Hopkins to recommend the proposed language change for T 3.1.3 to the City Council Vote 7-0 Motion Carries

6. Regulate Number of Parking Spaces, Explore Parking Maximums and Amending Speed Limits to Lower Speeds. T 3.2.6 and T 3.2.7

Ed explained he thinks the land-use guidelines should make the minimum parking requirement the standard rather than allow developers to add unlimited spaces. He said limiting excess parking would reduce unnecessary pavement in development projects.

Motion made by Ed Bearor and seconded by Bilal Hussein to recommend the proposed language change for T 3.2.6 and T 3.2.7 to the City Council. Vote 3-4 (Maureen Hopkins, Bob Hayes, Riley Bergeron, and Kathy Shaw opposed) Motion Fails

It was pointed out that developers may want additional parking to accommodate tenants that may have buses, trailers, campers, and boats, in addition to their cars, making it difficult to set a reasonable maximum.

Motion made by Maureen Hopkins and seconded by Bob Hayes to adopt the proposed language change shown in T 3.2.6 to amend Chapter 46 section 46-175 to reduce design speeds for streets and roads. Vote 7-0 Motion Carries

7. Parks and Recreation . Add/Mention Snowmobile Trails and Snowmobile Trail Maintenance. PR 1.2.8.

Motion made by Riley Bergeron and seconded by Bob Hayes to recommend the proposed language change for PR 1.2.8 as presented to the City Council.

It was suggested that this item could address the Skate Board Committee's request to serve as a local coordinating organization for reporting Riverwalk maintenance needs and identifying potential improvement projects.

Riley Bergeron withdrew his motion and moved to recommend the proposed language change with an amendment to include "open space" after trails with a common after projects for PR 1.2.8 to the City Council. Vote 7-0 Motion Carries

8. Amend Public Access To All Water Bodies Because Taylor Pond is Privately Owned and Lake Auburn is Drinking Water Supply. PR 1.4.1

The language change was made by staff. Lauren explained Taylor Pond cannot be excluded because it is a great pond subject to state requirements. She said the language does not mandate city action; instead, it supports community engagement to identify feasible, community-prioritized boat access locations.

Motion made by Tim DeRoche and seconded by Bob Hayes to recommend the proposed language change to PR 1.4.1 to the City Council. Vote 7-0 Motion Carries

9. Infrastructure. Adding Digital Equity Initiatives. I 1.2.3 and I 1.2.4

Motion made by Maureen Hopkins and seconded by Riley Bergeron to recommend the proposed language change for I 1.2.3 and I 1.2.4 to the City Council. Vote 7-0 Motion Carries

10. Adding A Stormwater Fee Action Item. I 1.3.9

Motion made by Bob Hayes and seconded by Ed Bearor to recommend the proposed language change to I 1.3.9 to the City Council.

There was discussion whether the proposed stormwater utility fee should exclude single-family residential properties. Some members felt individual homeowners should not be penalized for driveways or small parking extensions, while roads, sidewalks, larger developments, and extensive paved areas could remain subject to the fee. Others preferred retaining broad language until a feasibility study and expert review could help the city develop reasonable regulations.

Motion made by Tim DeRoche and seconded by Kathy Shaw to amend the motion to include the sentence "excluding single family residences". Vote 4-3 (Ed Bearor, Riley Bergeron, and Bilal Hussein opposed) Motion Carries

Motion as amended Vote 7-0 Motion Carries

11. Future Land Use. Exit 75 Area/High Density Core

Motion made by Bob Hayes and seconded by Kathy Shaw to recommend the proposed language change to Exit 75 Area/High Density Core to the City Council. Vote 2-5 (Ed Bearor, and Riley Bergeron, Tim DeRoche, Maureen Hopkins, and Bilal Hussein opposed) Motion Fails

It was noted that the Comprehensive Plan Committee reviewed parcels in depth to identify appropriate high-growth designations, considering infrastructure, development potential, and meeting Auburn's long -term growth and housing needs. Some members favored a mixed-use or residential corridor that would better fit nearby neighborhoods, limit traffic, and protect existing business centers. Others supported a high-density core because it allows a broad mix of uses and larger buildings, maximizes housing and economic development opportunities, and gives the market flexibility to guide future growth.

Motion made by Tim DeRoche and seconded by Ed Bearor to leave the map unchanged. Vote 5-2 (Bob Hayes and Kathy Shaw opposed) Motion Carries

12. Amend The Wording of the Agriculture, Forestry, Open Space, and Recreation Land Use Category to Allow More Housing

The Planning Board discussed whether people should be allowed to build more homes in areas now set aside for farming, forests, open space, and recreation. Some members said it could cause development to spread too far, increase road and emergency-service costs, and reduce land available for farming and nature. Other members said this would give landowners more choices, add needed housing, bring in tax money, and that it will not add to sprawl or threaten farming.

Motion by Ed Bearor and seconded by Tim DeRoche to recommend the proposed language change to allow residential development in the agriculture zone change to the City Council. Vote 3-4 (Maureen Hopkins, Bob Hayes, Riley Bergeron, and Kathy Shaw opposed) Motion Fails

Public Hearing Comments:

Item 1. – LAP bus should be included in the Comprehensive plan and should be expanded. The Casco Bay Trail should be mentioned in the Comprehensive Plan.

Planning staff said the comprehensive plan does mention the Casco Bay Trail in the implementation table in support of the expansion and connection to the Casco Bay Trail through the Washington Street corridor and other initiatives. It also mentions the East Coast Greenway as a connection point with the Casco Bay Trail. The plan mentions the LAP bus in the inventory and analysis section in the goals policies and objectives section in support of transit options between the cities and connecting Auburn to other areas in the state. They avoided using organizational names in case of name changes.

Item 4. Recommendation to move the Compact Residential land use category boundary along Poland Road.

It was noted that this area is mainly residential and that the industrial land encompasses some areas that have single family homes on them. Staff recommended extending the line so that it is straighter and easier to manage. Members supported a limited expansion but wanted to keep a safety buffer from the active railroad and nearby industrial activity.

Motion made by Tim DeRoche and seconded by Riley Bergeron to recommend moving the compact residential land use category boundary along Poland Road to encompass the orange perimetered area Vote 7-0 Motion Carries

Page 5. Inventory Section Page 169 Auburn Public Library.

A trustee of the Auburn Public Library noted that the information in the inventory section on page 169 is old and dated and submitted the 2026 annual report for updated information. Planning staff recommend keeping the 2025 information to stay in line with the comprehensive plan timeline.

Page 7. Request Community Section Policy 1 Objective 2 would say "Support all the City's schools" or "Support the city's elementary, middle and high schools" to include all the schools and not just elementary and middle.

The school committee requested that all schools are included in the community section, policy one, objective 2.

Planning Staff said they would make that change.

13. **MISCELLANEOUS:**

Tim reminded the Board that some terms end in December and they will need to reapply.

14. **PLANNING BOARD ITEMS FOR DISCUSSION: None**

15. **ADJOURNMENT**

Motion by Tim DeRoche and seconded by Bilal Hussein to adjourn at 8:46 p.m. Vote 7-0 Motion Carries

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To: City of Auburn Planning Board
From: DeCarlo Brown, Planning Director
Re: LD 2173 Lot and Streets Amendment—Workshop

Date: November 13, 2026

OVERVIEW

Background

The State has required amendments to local zoning regulations related to density in designated Growth Areas and in areas with access to public water and sewer. The City of Auburn's current zoning regulations restrict the types of growth required under state law. The Planning Board has previously reviewed potential provisions related to lot access, street networks, open space, subdivisions, the number of structures on lots, and dimensional requirements to comply with state law and support the required density.

Staff recommend dividing the LD 2173 amendments into four smaller proposals that can be developed concurrently and adopted sequentially. This approach would enable faster adoption and reduce the risk of delays associated with a single, larger amendment package. The Streets and Roads proposal is scheduled for review first. The other groups of proposals are planned as follows:

1. **Streets and roads.** Revise provisions that constrain current development while aligning standards with the city's desired outcomes in the 2026 Comprehensive Plan.
2. **Supporting provisions for increased density.** Establish standards for adequate open space and neighborhood design while providing predictability for neighborhood-scale buildings. These provisions would serve as a safeguard for meeting the July 1, 2027, deadline.
3. **Other compliance provisions.** Address state-compliance requirements unrelated to density.
4. **Area-by-area rezoning.** Rezone the city incrementally through broader discussions about which land uses are appropriate in each area.

The streets and roads provisions are scheduled for review first because of their importance in shaping new development and their current impact on existing operations. While drafting supporting provisions that would enable state-required density changes for the community, staff identified

existing public- and private-road requirements that may also impede current development proposals, particularly lot subdivisions.

Amending the zoning and street ordinances would have the greatest short-term impact. The draft provisions would allow private roads without City Council approval and recognize frontage on pedestrian paths, open space, and public streets when determining required lot width. Enacting these changes could support more affordable and creative development, address near-term subdivision barriers, and provide an opportunity to establish the provisions needed for state compliance.

Please find attached:

- Proposed Zoning Amendments
- Proposed Amendments to Chapter 46 – Streets, Sidewalks, and Other Public Places
- Proposed Amendment Summary

Possible Actions

1. Review proposed zoning amendments and request improvements.
2. Review proposed zoning amendments and schedule a public hearing.
3. Review proposed Chapter 46 amendments and request improvements.
4. Review proposed Chapter 46 amendments and recommend review by City Council.

Chapter 60 ZONING ORDINANCE

Definition changes **60-2**

- Various definition changes

Multiple buildings per lot **60-34**

- Removed restriction of one building per lot
- Without this change increased density will result in larger structures instead of multiple structures.

Blocks **60-58**

- Purpose: To ensure adequate connectivity the areas most expected to grow and to provide walkability at a human scale for the city. Block Standards and Open Space standards ensure basic human infrastructure is available so that increase density does not have a detrimental impact on the surrounding communities and for the people who will live in new neighborhoods.
- Defined by land enclosed by streets or rights of way
- Totally exempt: Infrastructure, recreational corridors, sensitive environmental features, land used for agriculture, land abutting interstate highways are totally exempt
- Partially exempt: Areas outside of the Growth Area with a connectivity index of 1.4 or greater, Existing lots with less than 5 acres and less than 10 dwelling units, exiting developed lots constructing accessory structures, existing undeveloped lot constructing a single building less than 3000 sq ft footprint, Ag and industrial development on lots greater than 5 acres
- Perimeter max 1600 length (industrial, civic space, or open space may exceed limit) (partially exempt)
- Waiver requirement: walking path required if expanded (partially exempt)
- Connection requirement and Street extension from abutting properties requirement (mirrored in chapter 46)
- Local street connection to abutting properties every 660 feet along boundaries
- General Waiver allowance to Planning Board
- For partially exempt: must provide pedestrian path uninterrupted by vehicle traffic to entrances of primary buildings

Walkability **60-59**

- Purpose: items that ensure walkability in the street network
- Prohibition of drive-throughs in certain zones – constrains drive-throughs to mobility corridors
- Interconnection requirement for the Growth Area match with chapter 46

Driveways and Private Streets **60-807**

- Driveways serving over certain thresholds are considered private streets

Subdivision **60-1365**

- Purpose: Allow subdivision on private roads and paths for increased flexibility. Paired with chapter 46 changes.

General Requirements Access and Frontage **60-1365**

- Removal of frontage requirement and substitution of access.
- Added Requirement of private way to standards of the City of Auburn
- Added Access easement max length of 400' from private or public way

Chapter 46 STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES

Article V Design and Construction Standards

Applicability **46-143**

- Added waiver for safer design for the pedestrian. Consultation with Planning Director.

Streets classification **46-174**

- Altered Lane classification to only include one-way streets providing access to subdivision with average daily traffic of 100 daily trips or less

Street design **46-175**

- Reduce pavement width for lane
- Increased right-of-way, pavement, and sidewalk width for local. ROW is increased as it includes lanes, on street parking on one side, sidewalks on both sides, and esplanade
- Increased sidewalk width from 5' to 6' in all street types

Arrangement and layout **46-178**

- Added street requirement in growth area for land abutting streets equal or above 35 mph.
- Added pedestrian to consideration of parking area design
- Added continuous pedestrian network requirement for access to sites and between sites
- Added curb extension requirement for new streets in areas where pedestrian traffic is expected
- Added requirement for new streets to provide on street parking in growth area
- Added requirement for either on-street parking or separation of equal distance for pedestrians outside of growth area
- Added requirement to provide and continue street stubs to neighboring properties on larger parcels (5 acres or more) in Growth Area
- Added requirement for new streets giving direct pedestrian access to buildings to have a design speed of 25 mph or less

Cul-de-sac and dead-end streets **46-180**

- Added requirement to waiver of 600 ft dead-end length to include consideration of future connectivity
- Added requirement of extended dead-end streets to provide pedestrian path from dead end to another connected street

Sidewalks and walkways **46-182**

- Altered sidewalk requirement from one side of the street in Growth Area to both sides. Outside of Growth area remains one side.
- Altered “may” to “shall” for open spaces connecting residential units to recreational and commercial facilities
- Removed allowance to waive requirements due to demonstration of developer having financing for project except for sidewalks

Construction materials **46-183**

- Altered curbing materials from bituminous to Slipform concrete

Construction standards **46-184**

- Added requirement for materials to be sources from a quarry
- Altered curbing to slipform concrete

Waivers and Modifications **46-237**

- Added enabling legislation to allow planning board to request traffic impact analysis

Article VI Street Construction and Acceptance

Purpose: Alterations to clarify requirements for public and private streets

Costs borne by city **46-319**

- Added specification that costs are covered only for public streets

Petition for acceptance of streets to become public **46-342**

- Altered wording to “may” to allow council flexibility

Applicability **46-373**

- Added wording that specifies that private streets on private land are not subject to this division

Public hearing required **46-374**

- Added wording to exempting Site Plans for private roads from the process

Persons who may submit proposal **46-375**

- Removed language to apply to additional situations

Cost of studies and construction **46-388**

- Specification that a private street petitioning to become a public street must pay the cost of process

Sec. 60-2. Definitions.

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

Accessory dwelling unit means a self-contained dwelling unit ~~meeting a minimum of 190 square feet and not to exceed 1,500 square feet,~~ that can be located within, attached to or detached from a single-family dwelling unit or multi-family dwelling structure located on the same parcel of land.

Block means the smallest area of land completely surrounded by streets.

Cellar means that portion of a building below the first floor joists having at least one-half of its clear ceiling height below the mean level of the adjacent ground. ~~A~~An unimproved cellar shall not be used for habitation.

Connectivity means a system of streets and pedestrian facilities with multiple routes and connections serving the same origins and destinations.

Connectivity index means an index calculated by dividing the number of street links (i.e., street sections between intersections, including cul-de-sacs) by the number of street nodes (i.e., intersections, and cul-de-sacs, and sharp curves with 15mph design speed or lower).

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used for or intended to be used for independent living, sleeping, cooking and eating purposes. ~~Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.~~ Rooms within a boarding/lodging house shall not be considered dwelling units.

Frontage means the length of a lot extending between the side lot lines of a lot which borders an accepted portion of a street, a private street constructed to the City of Auburn standards, or designated open space approved by the Planning Board. Maine Turnpike frontage does not apply to this definition.

Frontage line means the lot line(s) of a lot fronting a street, ~~or~~ other public way, a private street constructed to the City of Auburn standards, or designated open space approved by the Planning Board.

Lot means for zoning purposes, as covered by this chapter, ~~a lot~~ is a parcel of land under one ownership or joint ownership of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an accepted public street, private street, open space, or have deeded legal access to a public street, and may consist of:

(1) A single lot of record;

(2) A portion of a lot of record;

(3) ~~A combination of complete lots of record~~;

(4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter;

(5) Lots shown on a plan approved by the planning board of the City of Auburn.

~~*Lot frontage/width*~~ *Lot line, front,* means the front lot line of a lot shall be construed to be the portion nearest the street or open space. For the purpose of determining yard requirements or corner lots and through lots, all sides of a lot adjacent to streets shall be considered ~~frontage~~ a front lot line, and yards shall be provided as indicated under the definition of yards in this section.

Pedestrian network means an interconnected system of walkways, sidewalks, crosswalks, and pedestrian-oriented infrastructure designed to facilitate safe, efficient, and enjoyable walking experiences.

Street system, local means the interconnected system of collector and local streets providing access to a development from an arterial street.

Subdivision means a division of land or creation of dwelling units as defined in 30-A M.R.S.A. § 4401.

Sec. 60-34. Buildings per lot.

More than one principal building may be erected on any lot provided that:

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

~~(1) Multi-family buildings and/or developments approved under division 9 of article IV of this chapter;~~

~~(2) The addition of an accessory dwelling unit in a zoning district where two-family dwelling units are permitted, and a single-family dwelling currently exists on the lot.~~

~~(3) Four dwelling units may be constructed on vacant lots in the growth area as delineated in the future land use map in the most recent comprehensive plan and must be permissible in compliance with state law and in accordance with sections 60-53 and 60-54. For the purpose of this subsection, a vacant lot upon which a new dwelling unit was permitted in 2024 shall be considered a vacant lot for the purpose of calculating the total number of permissible dwelling units that may be constructed on the lot.~~

~~(4) A lot in the growth area as delineated in the future land use map in the most recent comprehensive plan with an existing dwelling unit may add one attached dwelling unit, one detached dwelling unit, or one of each for a total of three dwelling units and must be permissible in compliance with state law and in accordance with sections 60-53 and 60-54.~~

~~(5) Lots in the designated growth areas that are zoned urban residential, suburban residential, rural residential, and low-density country residential shall contain no more than two dwelling units per building.~~

(1) The lot has the available buildable land area for more than one dwelling in accordance with the applicable Zoning District or overlay.

(2) In all Zoning Districts, a minimum distance of 10 feet shall be required between primary structures. Any structures sharing party walls are not subject to this distance requirement.

(3) The additional buildings shall share a driveway curb cut or access to the public street through an internal street with the pre-existing building unless it is determined that another driveway location could provide safer access than the existing driveway or street.

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

Sec. 60-58. Blocks.

(a) All developable land within a proposed development must be divided into blocks, except land consisting only of infrastructure or recreational corridors, passive open space, sensitive environmental features, land used for agriculture, land directly abutting an interstate highway, and State roadways where access is limited.

(b) Block perimeters shall be marked by streets or rights-of-way.

(c) Block perimeters are limited to 1600 feet in length, except that blocks containing only industrial structures, civic space, or open space may exceed this limit. The length of any individual side of a block shall not exceed 500 feet in length.

(d) In blocks perimeters exceeding 1600 feet in length, the Board shall require the reservation of a twenty-foot-wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic and shall require a six-foot-wide paved, concrete, or similarly improved footpath be included. The Board shall require the developer to provide for the proper maintenance of any such easement.

(e) A proposed development shall provide multiple direct connections in its local street system to and between local destinations, such as parks, schools, and shopping, without requiring the use of arterial streets. Each development shall incorporate and continue all collector or local streets stubbed to the boundary of the development plan by previously approved but unbuilt development or existing development.

(f) To ensure future street connections to adjacent developable parcels, a proposed development shall provide a local street connection spaced at intervals not to exceed 660 feet along each boundary that abuts potentially developable or redevelopable land.

(g) The following types of development are exempt from the requirements of 60-55(a) – (d), above:

1. An existing lot with less than 5 acres and will or currently has a total of less than 10 dwellings.
2. An existing developed lot seeking to construct accessory structures,
3. An existing undeveloped lot seeking to construct a single building having a footprint of less than 3000 square feet.
4. A proposed development located outside the designated growth area which will provide a local street system with a connectivity index greater than 1.4~~2~~
5. Buildings constructed solely for agricultural or industrial purposes on lots greater than 5 acres. This exemption shall not be construed to apply to residential or other types of development, even if occurring on land primarily devoted to agricultural or industrial purposes.

(h) Notwithstanding the foregoing, the performance standards contained in subsections (a)-(d) of this section may be waived by the Planning Board upon a finding that the property to be developed is unsuitable for block-style design as otherwise required. In the instance a waiver is granted, the planning board may require conditions, such as a required connectivity index above 1.4, which increase connectivity of the proposed development.

(i) An exempted subdivision, per 60-55(g), located within the growth area shall provide a pedestrian path uninterrupted by vehicle traffic to entrances of primary structures . All structures containing dwellings shall have an entrance oriented toward this pedestrian path.

Sec. 60-59. Walkability Standards.

(a) drive-through facilities shall be prohibited in the T-6, T-5.1, T-5.2, T-4.1, T-4.2, T-4.2B, MFS, and UR zoning districts

(b) Pedestrian connections to points of interest on adjacent properties shall be provided for any subdivision or non-residential development creating buildings within the designated Growth Area.

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Sec. 60-807. Driveways and Private Streets.

Any driveway subject to this section pursuant to subsections (3), (4), or (5) of Section 60-772 shall be deemed a private street. Such private streets shall be subject to the provisions of Chapter 46 and shall be classified as an applicable street within Section 46-174.

Sec. 60-1365. General requirements.

In reviewing applications for the subdivision of land, the board shall consider the following general requirements. In all instances the burden of proof shall be upon the persons proposing the subdivision.

(1) *Subdivision plan shall conform to the comprehensive plan.* Any proposed subdivision shall be in conformity with the comprehensive plan of the city and with the provisions of all pertinent state and local codes and ordinances.

(2) *Preservation of natural and historic features.* The board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

(3) *Lots.*

a. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

b. Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.

c. No person shall make a subdivision within the city unless all lots of the proposed subdivision have ~~frontage, as regulated by the zoning ordinance, upon.~~ access to a way granting legal access to a public street. The following ways shall constitute legal access to a lot:

1. A way accepted by or established as belonging to the city, provided access is not specifically prohibited.

2. A public way shown on a plan approved in accordance with the provision of this chapter and in this Code.

3. A private way ~~(unaccepted street) existing prior to October 6, 1968, which way is shown on a plan recorded in the registry of deeds prior to such date and is deemed adequate by the planning board as evidenced by the board's endorsement on a final plan for the subdivision of land~~ existing or constructed to the standards of the City of Auburn. In its approval of an existing private way, the board may make whatever requirements it feels necessary to improve the way commensurate with the projected use of same.

~~4. A person issued a permit pursuant to this subchapter in a great pond watershed shall have a copy of the permit on the site while work authorized by the permit is being conducted.~~

4. An access easement with a width of no less than 12 feet and length of no more than 400 feet to a private or public street.

ARTICLE V. DESIGN AND CONSTRUCTION STANDARDS

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DIVISION 1. GENERALLY

Sec. 46-143. Applicability of article.

(a) This article shall apply to all improvements within the city constructed subsequent to the effective date of the ordinance from which this article is derived, other than those called for in a final plan previously approved by the city planning board.

(b) The city engineer may grant a written waiver of strict compliance with the standards set forth in this article after receipt of a written application requesting a waiver by the property owner, developer or authorized representative in any case where the city engineer has determined that such waiver will not create a traffic or safety hazard or otherwise impair the integrity of this article and where the applicant can demonstrate that a safer design for the pedestrian may result from the alteration or that a specific hardship is created by the enforcement of this article. The city engineer shall consult the planning department prior to the granting of such a waiver.

(c) In any case in which the standards as set forth in this article are inconsistent with those established by other city ordinances, the more stringent standard shall apply.

(d) A determination that any section of this article is invalid shall not necessarily result in the invalidity of any other section.

DIVISION 2. STREETS

Sec. 46-174. Applicability.

For the purpose of this article, design requirements shall relate to the following street classifications:

(1) *Street classification I.*

a. *Local street.* A local street serves primarily for access to abutting residential properties.

b. *Cul-de-sac.* A cul-de-sac is a local, industrial or commercial street with only one end open to traffic and being terminated at the other end by a vehicular turnaround; also referred to as a dead-end street.

c. *Collector street.* A collector street serves the internal traffic of the city, providing circulation within or through a development and connecting local streets to the arterial system.

d. *Arterial street.* An arterial street serves as a major traffic way for travel between and through urban centers and neighborhoods. The design and construction of arterial streets is not included in this article due to the significant special design considerations and uniqueness of each project.

e. *Industrial and commercial streets.* Industrial and commercial streets are streets within such zones and provide access to industrial and commercial users.

f. *Private streets.* Private streets are streets which may be constructed as part of a residential, planned unit, commercial or industrial development. Private streets receive no public funding; will never be maintained or improved by the city; and will remain private property.

Commented [DB1]: Private streets

g. *Lanes.* ~~Lanes are streets providing access to ten or less lots in a residential subdivision or with average daily traffic (ADT) of 100 vehicles or less. A cul-de-sac providing for access to the same number of units or with the same ADT shall be considered a lane and shall meet the same standards.~~ Lanes are one way streets providing access to a residential subdivision with average daily traffic (ADT) of 100 vehicles or less.

(2) *Street classification II.*

a. *Urban.* Urban design standards shall be defined as paved streets with such appurtenances as curbs, esplanades, paved sidewalks and an enclosed under drain/stormwater conveyance system with catchbasins, manholes and associated piping.

b. *Rural.* Rural design standards shall be defined as paved streets with gravel shoulders and with side ditches and culverts for the transportation of groundwater seepage and stormwater.

(Ord. of 2-26-2002, § 5.1)

Sec. 46-175. Minimum street design and construction standards chart.

The minimum street design and construction standards chart is intended to show minimum widths and design standards for a particular classification of street. If, in the opinion of the city engineer, traffic use or geometric considerations for a street or any part of a street warrant modifications or a greater standard than listed on the chart, the city engineer may require such modifications and shall submit his reasons in writing to the planning board.

Item	Type of Street

	Lane	*Local*		*Collector*		*Industrial Commercial*
Average daily traffic (ADT)	<100	< 500	500 >	1,500 >		
Right-of-way width (feet)	50	~~5~~60	~~5~~60	66	66	60
Pavement width (feet)	~~22~~20	~~24~~32	~~28~~32	32	40	40
Curbing	Vertical/sloped	Vertical/sloped		Vertical		Vertical
Sidewalk width (feet)	—	~~5~~6	~~5~~6	~~5~~6	~~5~~6	~~5~~6
Sidewalk esplanade (feet)	—	5	5	5	5	5
Minimum grade (percent)	0.5	0.5	0.5	0.5	0.5	0.5
Maximum grade (percent)	8	8	8	6	6	5
Maximum grade within 75 feet of intersection (percent)	3	3	2	3	3	2
Minimum centerline radius (feet)	150	150	150	300	300	300
Minimum tangent between reverse curves (feet)	—	—	—	300	300	300
Minimum pavement cross slope (inches/feet)	/3/8	⅜	⅜	¼	¼	¼
Minimum angle of street intersection (degrees)	75	75	75	90	90	90
Design speed (mph)	25	25	25	35	35	35
K factor—crest vertical curve	20	20	20	35	35	50
K factor—sag vertical curve	30	30	30	40	40	50
Curb radii at intersection (feet)	20	20	20	30	30	30
Property line radii at intersection (feet)	20	20	20	20	20	20

(Ord. of 2-26-2002, § 5.1)

Sec. 46-178. Arrangement and layout.

(a) The arrangement, character, extent, width, grade and location of all streets to be dedicated to the public and all private streets shall be considered in their relation:

(1) To existing and planned streets;

(2) To reasonable circulation of traffic within developments and on adjoining streets;

(3) To topographical conditions;

(4) To runoff of stormwater;

(5) To public pedestrian and vehicular convenience and safety; and

(6) To their appropriate relation to the proposed uses of the areas to be served.

(b) Proposed streets shall conform to the comprehensive plan as adopted by the city.

(c) All streets shall be designed so that they provide for safe vehicular travel while discouraging the movement of through traffic over local streets.

(d) To the extent practicable, culs-de-sac shall be avoided in favor of loop streets, and if included in the development, shall be minimal in number.

(e) Developments generating 1,000 or more vehicle trips per 24-hour period will provide two or more separate points of vehicular access into and out of the site.

(f) Driveway access to collector or arterial streets shall be avoided to facilitate the free flow of traffic and minimize traffic hazards.

~~(f)~~(g) Where land abuts a street where the legal speed limit is equal or above 35 miles per hour in the designated growth area new development shall be accessed only from new streets laid out as part of the development

~~(g)~~(h) Nonresidential developments will provide a clear route for delivery vehicles with the appropriate geometric design to allow turning and backing for WB-40 vehicles (i.e., tractor-trailer combinations).

(i) The layout and design of parking areas shall provide for safe and convenient circulation of pedestrians and vehicles throughout the lot and shall prohibit vehicles from backing out onto a street or road.

(j) All subdivisions and non-residential development sites must include a continuous pedestrian network, which must provide access to all development areas and civic spaces within and between sites. If sidewalks are provided, they shall be of a width of no less than 6 feet.

(k) To discourage excessive vehicle speeds in areas intended for pedestrian traffic, curb extensions shall be provided on all new streets within a development designed for pedestrian traffic at all intersections and at intervals of 500 feet or less.

(l) All new streets within the designated growth area must provide on-street space adequate for the parking of vehicles

~~1.~~(m) New streets within an AG, RR, or LDCR district and outside of the growth area shall provide on street parking or an enlarged esplanade of 14 feet in width between the street and the sidewalk with city engineer approval.

~~(h)~~(n) Where a development abuts or contains an existing or proposed arterial street, the planning board may require:

(1) Marginal access streets (i.e., street parallel to arterial street providing access to adjacent lots);

(2) Reverse frontage lots (i.e., frontage on a street other than the existing or proposed arterial street) with screen planting contained in a nonaccess reservation along the rear property line; or

(3) Other such treatments as may be necessary for adequate noise reduction, visual screening and protection of residential properties and to afford separation of through and local traffic.

(o) The proposed street layout shall be coordinated with the street and road system of surrounding areas. All streets shall provide for the continuation or appropriate projection of streets in surrounding areas and provide means of ingress and egress to surrounding acreage tracts.

(p) To ensure future street connections where a proposed development abuts undeveloped land within the designated growth area greater than 5 acres or a future development phase of the same development, street stubs shall be provided to provide access to all abutting properties or to logically extend the street system into

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the surrounding area. All street stubs shall be provided with temporary turn-around or cul-de-sacs and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.

(q) Each development shall incorporate and continue all collector or local streets stubbed to the boundary of the development plan by previously approved but unbuilt development or existing development.

~~1.~~(r) All streets constructed giving direct access to dwellings or use intended for direct pedestrian access to buildings shall have a design speed lower than 25mph.

(Ord. of 2-26-2002, § 5.1)

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Sec. 46-180. Culs-de-sac (dead-end streets).

(a) *Local residential standards.*

(1) In addition to the design standards for local residential streets, culs-de-sac shall be constructed to provide for a circular turnaround with minimum dimensions as follows:

a. Radii at circular turnaround with a center island:

1. Property line, 75 feet.
2. Outer edge of pavement, 66 feet.
3. Inner edge of pavement, 44 feet.

b. Radii at circular turnaround without a center island:

1. Property line, 60 feet.
2. Outer edge of pavement, 50 feet.

(2) At the end of temporary culs-de-sac, a temporary turnaround shall be constructed with an outside edge of pavement diameter of 90 feet or a backing space extending at least 30 feet beyond the edge of the street, and the end of the street extending at least 30 feet beyond the edge of the backing space. Pavement widths for backing spaces shall be identical to the type of street.

(3) Culs-de-sac shall be a maximum of 600 feet in length measured from the centerline of the feeder street to the center of the turnaround radius unless the planning board finds that a greater length will not reduce future connectivity of the area or create a hazard as based on the availability of hydrants, accessibility to firefighting equipment and anticipated use of abutting properties. A cul-de-sac exceeding 600 feet in length shall provide a six-foot wide paved pathway to another street which is not a cul-de-sac. This pathway shall serve as an additional pedestrian connection to the required sidewalk abutting a street.

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(b) *Collector, industrial and commercial standards.* Presentation of special design, discussion and written permission of the planning board shall be required for those conditions that may require culs-de-sac under the category of collector, industrial or commercial.

Sec. 46-182. Sidewalks and other walkways.

It is the policy of the city to encourage developers to construct sidewalks as part of all new residential and commercial projects in order to enhance the quality of life, area aesthetics and neighborhood integrity, and to promote alternative, nonmotorized modes of transportation.

(1) Sidewalks with esplanades shall be provided along ~~one~~both side~~s~~ of all local streets within the designated growth area, along one side of all local streets elsewhere, and both sides of all collector, commercial and industrial streets, and shall connect with the existing sidewalk network in the vicinity of the development.

(2) The planning board ~~may~~shall require walkways in open space or recreation areas that are designed to link residential units with recreational and commercial facilities, other common facilities, school bus stops, and existing sidewalks and walkways in the vicinity.

(3) Sidewalks and walkways shall be clear and free of encumbrances.

(4) Areas within street rights-of-way which are reserved for future sidewalks and esplanades shall be designed and graded to the standards and specifications contained in this article.

(5) Esplanades shall be sloped at one-half inch per foot from the sidewalk to the street curb and shall be loamed, seeded and mulched in accordance with the city's design standards.

(6) The planning board may waive the requirement to build sidewalks under the following circumstances:

a. When the developer can demonstrate to the planning board's satisfaction that the nature of the development does not lend itself to pedestrian uses by the residents, employees or the public;

b. ~~When the developer can demonstrate that the cost of building the sidewalk makes the project financially impossible (i.e., the developer has sufficient financing for the project except for the cost directly attributable to the construction of the sidewalks);~~

c. With respect to residential developments, if there are no existing sidewalks in the proximity of the development and the city has no plans to construct sidewalks that would connect to the proposed development, the planning board may waive the requirement at the developer's request. If the city does have plans to construct new sidewalks that would connect to the proposed development, then the planning board shall require the developer to place an amount in interest bearing escrow sufficient to fund the cost of constructing sidewalks within the development. If the city has not budgeted the new connecting sidewalk within five years after the development has been completed, at the request of the developer to the city manager, the city shall return the money held in escrow, plus interest.

1. *Street names.*

(i) Streets that join and are in alignment with existing streets shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets and roads within the city. Names of new streets to be accepted by the city shall be subject to the approval of 911 and the city council. Names of new streets that are not to be accepted by the city shall be subject to the approval of 911 and the planning board.

(ii) Initial street name signs shall be furnished and installed by the city with the cost of such installation being borne by the developer.

2. *Traffic control devices.* All initial signing and pavement markings required for the proper control of pedestrian, bicycle and vehicular traffic within the development shall be paid for by the developer. The city shall furnish and install all such devices. The types and locations of all such devices shall be determined by the police chief and public works director, and shall be in conformance with the Manual on Uniform Traffic Control Devices, current revision.

(Ord. of 2-26-2002, § 5.1)

Sec. 46-183. Street construction materials.

(a) *Generally.* Street construction materials as specified in this article shall conform to MDOT specifications unless otherwise noted.

(b) *Type and minimum allowable depth.* Minimum requirements for materials are as follows:

	Minimum Requirements		
	Lane Local (inches)	*Collector (inches)*	*Industrial Commercial (inches)*
Street materials:			
Aggregate subbase course	15	18	18
Aggregate base course	3	3	3
Hot bituminous pavement:			
Total thickness	3½	4	5
Surface course	1½	1½	1½
Base course	2	2½	½
Sidewalk materials:			
Aggregate subbase course	12	12	12
Hot bituminous pavement:			
Total thickness	2	2	2
Surface course	1	1	1
Base course	1	1	1
Driveway apron materials (within right-of-way of urban design):			
Aggregate subbase course	12	12	12
Hot bituminous pavement:			
Total thickness	3	3	4
Surface course	1	1	1
Base course	2	2	3
Curbing materials:			
Granite stone curbing, type 1			
~~Bituminous~~ Slipform concrete curbing, type 3			
Granite stone edging, type 5			

Sec. 46-184. Street construction standards.

(a) *Generally.* All streets shall be constructed according to the specifications in this section as overseen by the city engineer.

(b) *Clearing, grading, cuts and fills.*

(1) *Clearing.* Before grading is started, the entire right-of-way area shall be cleared of all stumps, roots, brush and other objectionable material and all trees not intended for preservation in accordance with MDOT specifications, section 201, Clearing Right-of-Way. Rights-of-way for rural design streets shall not be cleared in those areas that will enhance the natural appearance and attractiveness of the development while not conflicting with this article.

(2) *Grading.* All streets and roads shall be graded to their full width by the developer so that pavements and sidewalks can be constructed on parallel profiles. Due to special topographical conditions, deviation from such requirement will be allowed only with special approval of the city engineer.

(3) *Subgrades.* Subgrades shall be prepared in accordance with MDOT specifications, section 203, Excavation and Embankment, in particular subsection 203.17, Preparation and Protection of the Subgrade.

(4) *Cuts.* Cuts shall be in accordance with MDOT specifications, section 203, Excavation and Embankment. Tree stumps and other organic materials shall be removed to a depth of two feet below the subgrade. Rocks and boulders, when encountered, shall be scarified or removed to subgrade.

(5) *Fills.* Fills shall be in accordance with MDOT specifications, section 203, Excavation and Embankment. Excess materials, including organic materials, soft clays, etc., shall be removed from the street site. The fill shall be spread in layers not to exceed 12 inches loose measure and compacted.

(6) *Backfilling.* Backfilling, to include utility trenches, shall be in accordance with MDOT specifications, section 206, Structural Excavation, and other applicable sections such as those that address backfilling of curbs, under drains, culverts and other typical street and road structures. Separate layers of backfill material of specified thickness shall be mechanically tamped.

(7) *Side slopes.* All side slopes shall be no steeper than three horizontal to one vertical unless provided for under subsection (g) of this section. All slopes shall be loamed, seeded and mulched in accordance with section 46-209(f)(4) through (6).

(c) *Sanitary sewers, storm drains and other utilities.*

(1) All utilities shall be located underground and as required in subsections (c)(2) through (11) of this section unless otherwise approved by the city engineer.

(2) Sewer mains shall be located approximately along the centerline of the street at a recommended average depth of eight feet.

(3) Sewer manholes shall be located on the street centerline at the crown of the road and the top surface of the manhole rim or cover shall be flush with the pavement surface.

(4) To the extent practicable, under drain/stormwater conveyance pipes shall be located along gutter lines on a line one foot in front of the toe of the face of the curb and with a minimum cover of four feet.

(5) Water mains shall be located under the sidewalk at an elevation greater (i.e., a depth less than) the sewer main and sewer service laterals and at a recommended depth of 5½ feet.

(6) Hydrants shall be located one foot in back of the face of the curb.

(7) Gas mains shall be located under the esplanade on the same side of the street as the water main and with a minimum cover of 2½ feet.

(8) Gas mains shall be installed after the installation of all other underground utilities.

(9) Telephone, electrical and cable television lines shall be located under the esplanade on the side of the street opposite the water and gas mains. Electrical lines shall have a minimum cover of 2½ feet. Electrical lines for rural design shall be located in the gravel shoulder and shall have a minimum cover of three feet and be a minimum of two feet below cross culverts and ditch lines where applicable. All wiring shall be placed in PVC conduit and also encased in concrete where passing under the ditch line. Warning tape shall be placed above the conduit at a depth of one foot.

(10) All sanitary sewers, storm drains and underground utility mains and their services shall be installed within the street right-of-way prior to the placement of the aggregate base/subbase course unless a waiver in writing is obtained from the city engineer.

(11) All utility service laterals shall extend to the street right-of-way abutting the lot to be served, where they will be properly capped or terminated. An accurate record of each such utility service lateral, its location and its depth at the street right-of-way shall be kept by the developer and true copies of such record will be provided to the city engineer and the appropriate utility. Such location of the utility service laterals at the street right-of-way line shall be physically marked by the placement of a wooden stake, driven to the depth of the service, with enough of the stake exposed above the ground to be readily visible, and marked as to the type of service.

(d) *Geotextiles, subbase and base, and pavement.* MDOT specifications, section 620, Geotextiles, subsection 722.01, Stabilization Geotextile, section 304, Aggregate Base and Subbase Course, and section 403, Hot Bituminous Pavement, shall be applicable to this subject, except as follows:

(1) *Geotextiles.* The use of geotextiles under the aggregate subbase for the purpose of subgrade soil stabilization and increased tensile strength shall be as directed by the city engineer.

(2) *Subbase and base.*

a. *Aggregate subbase course.* Aggregate for subbase shall not contain particles of rock which will not pass the four-inch square mesh sieve. Material shall be a crushed product sourced from a quarry.

b. *Aggregate base course.* Aggregate for base shall not contain particles of rock which will not pass the two-inch square mesh sieve. Material shall be a crushed product sourced from a quarry.

(3) *Pavement.*

a. Streets shall not be paved until all underground utilities and their service laterals have been installed, nor until the aggregate base/subbase course has been inspected and approved by the city engineer.

b. Where pavement placed joins an existing pavement, the existing pavement shall be cut along a smooth line and to a neat, even vertical joint. Broken or raveled edges, or deviation from grade will not be permitted.

c. Gradation of aggregates for plant mix hot bituminous pavements shall be as specified in MDOT specifications, section 703.09, Aggregate for Plant Mix Hot Bituminous Pavement, unless otherwise approved by the city engineer.

d. Proper drainage in curbed areas, especially transition approaches to catchbasins, sluiceways and paved outlet gutters, is of utmost importance. Before placing the surface (wearing) course in any urban area where the drainage is critical, the base (binder) course grade should be checked with a transit or level.

(e) *Curbing.* MDOT specifications, section 609, Curbing, shall be applicable to this subject, except as follows:

(1) Curbing, where required, shall be vertical curb type 1 (quarried granite stone) unless otherwise allowed in this article.

(2) Vertical curb type 1 circular shall be used for the radii at all intersections regardless of the curb type allowed on the remainder of the street.

(3) On local streets, ~~bituminous~~ slipform concrete curbing type 3, either vertical or sloped face, may be used, unless determined to be unsuitable by the city engineer.

(4) Curb type 5 shall be used for cul-de-sac center islands when granite curbing is required.

(5) Vertical curb reveal shall be seven inches for type 1 (granite) and six inches for type 3 (~~bituminous~~slipform), unless otherwise indicated by the city engineer.

(f) *Sidewalks.* MDOT specifications, section 608, Sidewalks, shall be applicable to this subject.

(g) *Guardrails.* MDOT specifications, section 606, Guard Rail, shall be applicable to this subject. Guardrails may be required:

(1) On sections of street where side slopes are steeper than three horizontal to one vertical;

(2) Where the street is greater than eight feet above the bottom of the street side slope;

(3) At sudden changes of alignment;

(4) Where other street obstacles exist;

(5) On narrow bridges; or

(6) As otherwise determined by the city engineer.

(h) *Temporary markers.* The developer shall furnish, install and maintain all stakes, marks or temporary structures necessary for marking and maintaining the points, lines and grades for construction of the street and other improvements to the approved plan, profile and cross sections.

(i) *Monuments.* MDOT specifications, section 623, Monuments, and subsection 712.04, Stone Curbing and Edging, shall be applicable to this subject, except as follows:

(1) A minimum of three granite monuments shall be set at appropriate corners of the perimeter of the proposed development tract as determined by the city engineer. Also, granite monuments shall be set at all street corners, at all points where the street line intersects the exterior of the development, and at angle points and points of curvature or tangency in each street.

(2) Monuments shall be six inches above the ground except in lawns, drives and parking lots where they shall be flush.

(3) If there is ledge (rock) between one foot and three feet below the ground, a two-foot diameter concrete collar, with or without dowels, in accordance with MDOT specifications, shall be provided. If the ledge is less than one foot below the ground, an approved survey marker shall be grouted or embedded in the ledge.

(4) All granite monuments shall be four feet long, except where the ledge does not allow, and a square six inches on each side. The monuments shall be provided with a drill hole and a magnetic aluminum or brass marker, such as the Bernsten models, with the surveyor's registration number and the exact survey point engraved on the surface, unless otherwise approved by the city engineer.

(5) No permanent monuments shall be installed until all improvements that might disturb or damage the monuments have been completed.

(Ord. of 2-26-2002, § 5.3)

ARTICLE VI. STREET CONSTRUCTION AND ACCEPTANCE

DIVISION 1. GENERALLY

Sec. 46-319. Costs borne by city; exceptions.

Except as otherwise provided in this article, the entire cost associated with the proposal and petition for a public street and any construction arising therefrom, or such portion thereof as is determined by the council at public hearing, shall be borne by the city except that this provision shall not restrict any right the city may at any time have to assess upon others all or any portion of such costs.

Sec. 46-342. Petition for approval; acceptance; procedure.

On petition to the city council, all or any portion of any street in a land subdivision of which a final plan has been duly approved, endorsed and recorded as required in by this Code ~~shall~~may be accepted by vote of the city council as a public city street, provided that the following requirements are met:

(1) The petition shall be accompanied by two prints of each of the duly approved and recorded plans, profiles and cross sections, if any, of that portion of any street offered for acceptance.

(2) Each print shall bear or shall be accompanied by a written certification by the city engineer that the portion of each street offered for acceptance has been in fact constructed to the previously approved plan, profile and cross sections and to the design standards and constructions specifications of this Code and that all utilities, curbs, sidewalks, street signs and street bounds have been in fact installed in accordance with the plan, profile cross sections, standards and specifications.

(3) The owner shall present to the city a deed for the property within the boundaries of the right-of-way and other areas as required at the time of the street's acceptance by the city council.

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Sec. 46-373. Applicability.

This division provides conditions for laying out, widening, construction or accepting public streets. ~~in the city other than street located in subdivisions~~.

Sec. 46-374. Recommendations and public hearing required.

No part of any proposed public street or way in the city ~~not on a subdivision final plan approved as required by this Code~~ shall ~~not~~ be laid out, widened, constructed reconstructed or accepted by the city until the city planning board and the city engineer shall have made careful investigation and shall have reported thereon to the city council with recommendations and the city council shall have held a public herein thereon.

Sec. 46-375. Persons who may submit proposal; submission to planning board.

All or any part of any existing or projected public street or way or any private street or way for vehicular travel ~~serving more than two residential or business properties~~ may be proposed by any owner of property within the city or any municipal official to be laid out, widened, constructed or reconstructed by the city or by others, or be proposed to be accepted by the city, but only in accordance with the conditions stated in this division. Any such proposal shall be directed and presented to the city council through the planning board.

Sec. 46-382. Notice that further planning and engineering studies are required.

If the preliminary review and report results in a consensus among the city planning director, the city engineer and the planning board that a full and complete study of the petition is required, such decision shall be recorded in the minutes of the planning board and copies of such minutes shall be transmitted to the petitioners, the city council through the city clerk, the city manager and all other city officials or agencies prospectively involved.

Sec. 46-388. Cost of studies and construction to be shared by abuttors and city.

Two-thirds of all costs of preliminary and final studies and the actual construction of any such public street layout or street improvement petitioned for shall be the obligation of all of the abuttors along that portion of the street or way so laid out or improved. All costs of preliminary and final studies and the actual construction of any private street layout or street improvement petitioned for shall be the obligation of all of the abuttors along that portion of the street or way so laid out or improved.

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