City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Development

PLANNING BOARD AGENDA

Auburn City Hall, Council Chambers 2nd Floor

Tuesday, November 10, 2015 6:00PM

- 1. ROLL CALL:
- **2. MINUTES**: Approval request of the October 13, 2015 meeting minutes.
- 3. NEW BUSINESS and PUBLIC HEARINGS:
 - A. Michael Gotto, an agent for WolfPack Fitness, is seeking approval of a Special Exception and Site Plan Review application for the Recreational Use of Land in the Agricultural and Resource Protection zone for a property located at 432 East Waterman Road, pursuant to Sec. 60-145 (b), 5; Sec. (Special Exception in Ag Zone); Section 60-1277 (Site Plan Review) and Sec. 60-1336 (Special Exception).
 - B. The Auburn Planning Board will consider making a recommendation to the City Council of a final draft for a Form Based Code Text Amendment and Zoning Map Amendment for portions of Downtown Auburn and New Auburn. The Form Based Code Text Amendment will replace Division 14, Central Business District, amend related sections of the Zoning Ordinance and create 5 new Form Based Code Districts (T-4.1, T-4.2, T-5.1, T-5.2 and T-6).
- 4. OLD BUSINESS: None
- 5. MISCELLANEOUS:
 - A. Discuss Student Advisory Representative- The Chairman would like to discuss adding a Student Advisory Representative as per the adopted Planning Board Ordinance.
- **6. PUBLIC COMMENT:**
- 7. AJOURNMENT:

Next Planning Board Meeting is on December 8, 2015

"Maine's City of Opportunity"

Office of Planning & Development

PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Douglas M. Greene; AICP, RLA

City Planner

Re: Wolf PackFitness, Special Exception and Site Plan Review at 423 East Waterman

Road.

Date: November 10, 2015

I. PROPOSAL- Michael Gotto, an agent for WolfPack Fitness, is seeking approval of a Special Exception and Site Plan Review application for the Recreational Use of Land in the Agricultural and Resource Protection zone for a property located at 432 East Waterman Road, pursuant to Sec. 60- 145 (b), 5; Sec. (Special Exception in Ag Zone); Section 60-1277 (Site Plan Review) and Sec. 60- 1336 (Special Exception).

Luke Robinson, owner of WolfPack Fitness, was granted a home occupation for personal training a couple of years ago. His business has been successful and he now wants to expand the business as a recreational use in the Ag Zone. Recreational Use in the Ag Zone is a Special Exception and Site Plan review, which is the reason for his application. In order to accommodate the customer demand, he proposing to add additional gravel parking on an adjacent field owned by William and Patricia Carson who have agreed to a 5 year lease (attached) for the parking area on their property. A port-a-potty will be used for sanitary facilities and customers bring their own water.

As a result of the plan review process and associated revisions, the applicant is proposing to expand his business in 2 phases. The first phase would create an additional parking area with 17 spaces, along with 11 customer spaces along the driveway on 432 East Waterman Road. Phase 1 proposes to operate Wolfpack Fitness entirely as an outdoor fitness and recreational use. Phase two would allow the fitness activity to be inside a barn, once the barn meets state and local fire and building code standards.

THE SITE- The property at 432 East Waterman Road is 2 acres in size and is located near the end of East Waterman Road, with the Androscoggin River on the east side. The property does not have direct access to East Waterman Road and uses a driveway through 464 East Waterman Drive for access. The very end of East Waterman Road is used as a carry-in boat launch to the Androscoggin River.

- II. DEPARTMENT REVIEW- The following departments comments were received:
 - a. Police- Their main concern was to not allow any parking within the East Waterman Road right-of way by WolfPack customers.
 - b. Auburn Water and Sewer- No Comments.
 - c. Fire Department- The Fire Department expressed 2 main concerns:
 - A 12 foot wide access to the residence and barn must be maintained year round. (to be a condition of approval)
 - Prior to the barn being used for indoor fitness activity by customers in Phase 2, it will need to meet state and local building and fire code. (to be condition of approval)
 - d. Engineering- Engineering reviewed and commented on:
 - The use of gravel instead of pavement for the proposed parking area. The Engineering Department has agreed to allow reclaimed asphalt for the proposed parking area as per Section 60-607, 12.
 - (12) All uses containing over five parking and/or loading spaces shall either contain such spaces within structures or be subject to the following requirements:
 - a. All access drives, parking, loading and service spaces shall be graded and surfaced with a solid paving material that is impermeable to water and so as to be dust free and properly drained. Materials which satisfy this criteria include but are not limited to: bituminous pavement, concrete, geotextiles and brick or cobblestone or other paving block provided that it is mortared.
 - That proper erosion control measures are followed during the parking area construction, and that the surface is maintained to prevent rutting and erosion.
 - The proposed gravel parking lot's proximity to the 75' Shoreland Zone protection area of the Androscoggin River. The parking area is outside of the Shoreland Zone 75' buffer.
 - e. Public Services- Public Services wants to be sure that the driveway has the proper grades and draining, and there are no objects in the ROW that may be detrimental to plowing operations.
 - f. Code and Building Enforcement- Code and Building Enforcement repeated the need for a 12 foot wide, clear driveway for fire equipment access. Phase 2 will require the barn be brought up to code prior to being used for commercial indoor recreational activity.
 - g. Planning and Development- Planning and Development worked with the applicant on the following items:
 - After review of the application, the staff feel it meets the definition of Recreational Use as defined in the Zoning Ordinance Sec. 60-2

"Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races and facilities for mass gatherings when used for two or more events during a calendar year."

- Revise the site plan to include all elements of the proposals from both properties on one plan.
- Revise the letter of agreement from the Carson's to replace the term "grass parking area" to "gravel parking area". (Done)
- Arrive at a suitable number of parking spaces, located so that they will not hinder the movement of emergency and fire vehicles. (Done)
- III. PLANNING BOARD ACTION- Note: Staff comments regarding the elements for approval are (in **bold print** and parenthesis).
 - A. SPECIAL EXCEPTION- The Planning Board is asked to consider if the application for a Recreational Use in the Agricultural and Resource Protection Zone meets the criteria for a Special Exception *Sec. 60-1336. Conditions-*
 - (a) As conditions prerequisite to the granting of any special exceptions, the board shall require evidence of the following:
 - (1) That the special exception sought fulfills the specific requirements, if any, set forth in the zoning ordinance relative to such exception. (Staff Comment-Application meets criteria # 1)
 - (2) That the special exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard. (Staff Comment- The applicant meets the requirements set by the Fire, Police and Public Services Departments)
 - (3) That the special exception sought will not block or hamper the master development plan pattern of highway circulation or of planned major public or semipublic land acquisition. (Staff Comment- Application meets criteria # 3)
 - (4) That the exception sought will not alter the essential characteristics of the neighborhood and will not tend to depreciate the value of property adjoining and neighboring the property under application. (Staff Comment- If the applicant agrees to the requested conditions, it will meet criteria # 4)
 - (5) That reasonable provisions have been made for adequate land space, lot width, lot area, stormwater management in accordance with section 60-1301(14), green space, driveway layout, road access, off-street parking, landscaping, building separation, sewage disposal, water supply, fire safety, and where applicable, a plan or contract for perpetual maintenance of all the common green space and clustered off-street parking areas to ensure all such areas will be maintained in a satisfactory manner. (Staff Comment- Application has provided all the elements contained in criteria # 5)
 - (6) That the standards imposed are, in all cases, at least as stringent as those elsewhere imposed by the city building code and by the provisions of this chapter. (Staff Comment- If the applicant agrees to the requested conditions, it will meet criteria # 6)
 - (7) That essential city services which will be required for the project are presently available or can be made available without disrupting the city's master development plan. (Staff Comment- No additional city services will be required for the Recreation Activity so the Applicant meets criteria # 7)

- B. SITE PLAN REVIEW- The Planning Board is asked to consider if the site plan for WolfPack Fitness, meets the objectives for Site Plan Law, Sec. 60-1277. Objectives"In considering a site plan, the planning board shall make findings that the development has made provisions for:"
 - (1) Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against artificial and reflected light, sight, sound, dust and vibration; and preservation of light and air; (Staff Comment-Objective # 1 is met)
 - (2) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas; (Staff Comment- Objective # 2 is met)
 - (3) Adequacy of the methods of disposal for wastes; and (Staff Comment-Objective # 3 is met)
 - (4) Protection of environment features on the site and in adjacent areas. (Staff Comment-Objective # 4 is met)

1. STAFF RECOMMENDATION-

Based on Departmental review, meetings with the applicant and revisions to the application and site plan, the staff offers the following recommendations:

- A. Special Exception- The Staff recommends the Planning Board approve the Special Exception application for a Recreational Use by WolfPack Fitness, located 432 East Waterman Road. The Staff agrees the applicant has demonstrated that the proposal for WolfPack Fitness meets the definition of a recreational use (see staff report section II, g, and further meets the conditions of Sec. 60-1336 Special Exception, as stated in the staff report Section III- A.
- B. <u>Site Plan Review</u>- The Staff recommends the Planning Board approve the Site Plan for WolfPack Fitness as it meets the objectives for Site Plan Law, Sec. 60-1277. Objectives as stated in the staff report Section III, B.
- C. <u>Conditions of Approval</u>- The Staff recommends these approvals subject to the following conditions and shown on the Site Plan:
 - 1. No vehicles associated with WolfPack Fitness shall be parked in the East Waterman Road right of way.
 - 2. The accessory parking area on the Carson Property shall be graveled within 30 days of the approval by the Planning Board and a final surface of reclaimed asphalt shall be applied by June 30, 2016.
 - 3. Proper erosion control measures shall be followed during the parking area construction, and that the surface is maintained to prevent rutting and erosion.
 - 4. The driveway to the residence at 432 East Waterman Road shall be a minimum 12 feet wide and kept clear 12 months a year.
 - 5. No recreational activity shall take place in the barn at 432 East Waterman unless it meets state and local fire and building code.

"Maine's City of Opportunity"

Office of Planning & Development

November 12, 2015

Michael Gotto Stoneybrook Consultants Inc. 456 Buckfield Road Turner, ME 04282

Re: 432 East Waterman Road- WolfPack Fitness- Special Exception and Site Plan Review Planning Board Approval Letter

Dear Mr. Gotto,

This letter is to notify you that on Tuesday, November 10, 2015, the Auburn Planning Board approved the Special Exception, Site Plan Review application for a Recreational Use in the Agricultural and Resource Protection (AG/RP) zone, located at 432 East Waterman Road (PID # 393-012), pursuant to Sec. 60- 145 (b), 5; (Special Exception in Ag Zone); Section 60-1277 (Site Plan Review) and Sec. 60- 1336 (Special Exception) of the City of Auburn Ordinances with the following findings and conditions:

- A. <u>Special Exception</u>- The Planning Board approved the Special Exception application for a Recreational Use by WolfPack Fitness, located 432 East Waterman Road with the following findings
 - The applicant has demonstrated that the proposed for WolfPack Fitness meets the definition of a recreational use as per Section 60-2 Definition of Recreational Use and Section 60-145 (b) (5) Special Exception- "Recreational uses of land intended or designed for public use subject to the following conditions:
 - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
 - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown and will be conducted outside.

60 Court Street • Suite 104 • Auburn, ME 04210 (207) 333-6600 Voice • (207) 333-6601 Automated • (207) 333-6625 Fax www.auburnmaine.org

- 2. Phase 1 for WolfPack Fitness will be completely conducted outside.
- 3. The applicant meets the conditions of Sec. 60-1336 Special Exception, including condition # 5 for off-street parking as **Section 60-607 PARKING (#5) OFF-STREET PARKING-**The required parking and/or loading spaces shall be provided on the same lot as the principal use, building or structure they are required to serve. For buildings other than dwellings, <u>parking spaces may be located not more than 300 feet there from should practical</u> difficulties prevent their provision on the same lot.
- B. <u>Site Plan Review</u>- The Planning Board approved the Site Plan for WolfPack Fitness as it meets the objectives for Site Plan Law, Sec. 60-1277. *Objectives* as stated in the staff report Section III, B.
- C. <u>Conditions of Approval</u>- The approvals are subject to the following conditions and shall be shown on the Site Plan:
 - 1. No vehicles associated with WolfPack Fitness shall be parked in the East Waterman Road right of way.
 - 2. The accessory parking area on the Carson Property shall be graveled within 30 days of the approval by the Planning Board and a final surface of reclaimed asphalt shall be applied by June 30, 2016.
 - 3. Proper erosion control measures shall be followed during the parking area construction, and that the surface is maintained to prevent rutting and erosion.
 - 4. The driveway to the residence at 432 East Waterman Road shall be a minimum 12 feet wide and kept clear 12 months a year.
 - 5. No recreational activity shall take place in the barn at 432 East Waterman unless it meets state and local fire and building code.
 - 6. Should the barn be permitted for recreational use in Phase 2, it shall only be used as an accessory facility to the primary outdoor recreational use.
 - 7. The parking spaces numbered 8, 9, 10 and 11, as shown on the revised site plan, shall be graveled at the same time the accessory parking on the Carson Property is graveled.

Douglas M. Greene, AICP, RLA

City Planner



Stoneybrook Consultants, Inc.

456 Buckfield Road Turner, Maine 04282 (207) 514-7491 voice (207) 514-7492 fax

Site Plan Review Application

prepared for WolfPack Fitness

October 2015

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Section 1

Application/Agent Letter



Stoneybrook Consultants, Inc.

456 Buckfield Road Turner, Maine 04282 (207) 514-7491 voice (207) 514-7492 fax

October 8, 2015

Mr. Douglas Greene, City Planner Planning and Permitting City of Auburn 60 Court Street Auburn, ME 04210

RE: WolfPack Fitness

432 East Waterman Road

Dear Mr. Greene:

On behalf of Luke Robinson of WolfPack Fitness, we are pleased to submit this letter and attached information to secure approvals to expand his business located at 432 East Waterman Road. Luke's business, which is built around fitness training and a healthy lifestyle, has seen unexpected and significant growth since he started in 2012 as a home occupation. Luke has been conducting his training programs outside, in his yard, in almost all weather conditions since he started his business. Occasionally, in the winter months, training sessions will occur on the ice in the Androscoggin River or, in the summer, on the sand beach areas along the river frontage.

Unlike a typical gym, Luke relies upon common tools, chains, old tires, logs, concrete blocks, buckets or timbers for his exercise equipment. Use of these natural items typically found around the home and the outdoor training at this beautiful location along the river are the main reason for the business growth. We are now seeking approvals to continue the group training programs that have become very popular. Those popular programs include Men's Lifting Night, Ladies Lifting Night and Primal Fitness events done with the entire family.

The property is located in the Agriculture and Resource Protection District where recreational use of land is allowed as a special exception use with Planning Board review. The property includes about 2 acres and has about 600' of frontage

RE: 432 East Waterman Road

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on the Androscoggin River. The parcel does not have any road frontage, but has an easement across land located at 464 East Waterman Road for access. This property is also located in the Shoreland Overlay District and a small area along the river falls within the Floodplain Overlay District.

The property includes a single family home, a barn and several sheds. Until recently, the gravel driveway has been used for customer parking. We have provided pictures where Luke has been able to park 17 vehicles in the driveway. Recently, to support the business growth, Luke secured permission to use an existing field adjacent to the driveway from his neighbor for spillover parking. Luke has been able to park 16 vehicles in this field. Under this application, we have proposed to construct a gravel parking lot in the field. The plan for that parking area is provided in Section 6 of this application package. Pictures of the vehicle parking areas are also provided in Section 6. Permission to use the neighbors land for parking is included in Section 3.

To support this application, I have attached a USGS Location Map Graphic, a Tax Map Graphic, a Zoning Map Graphic, an Aerial Graphic and a Flood Map Graphic in Section 2 of this application package. We have also attached a copy of the current deeds and authorization to pursue approvals from Luke's dad who owns the property in Section 3. Pictures of the existing conditions on the property are included in Section 4. Pictures of customer workouts during the various work sessions and customer testimonials are included in Section 5. A Topographic Site Plan and Barn Floor Plans are provided in Section 8.

As noted, Luke's business started in 2012 as a home occupation. Exercise instructions were provided in one hour sessions to one or two customers. Those sessions were held in the barn or outside in the yard. Through word of mouth or social media, Luke's message of healthy lifestyle and outside exercise that could be accomplished in your yard at home, with the right training, helped to expand his business. Soon there was interest in group sessions which grew and became extremely popular. The most popular sessions now include women's lifting, men's lifting and primal fitness.

Men's Lifting Night has grown to include 10 to 15 men attending a one hour session on Monday evenings. Ladies Lifting Night, Luke's most successful sessions, has grown to include as many as 53 ladies attending a one hour session on Thursday

RE: 432 East Waterman Road

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evenings. Primal Fitness sessions are held on Sunday morning and were started to provide time for the entire family to learn how to exercise together. These sessions have typically been attended by as many as 35 to 40 men, women and children for a one hour session. At a recent session in September, attendance included 60 customers.

It is important for Luke to be part of the community and to support community services. Nearly every month, a group session will be set aside as a fundraiser to support a local charity. All of the money raised from this class is donated to that charity. Also, once a year, Luke has held a Ladies health weekend where the women will be onsite from 6:00 PM to 10:00 PM on Friday evening to listen to speakers as they sit around the fire pit. Saturday will have them onsite between 8:00 AM and 7:00 PM and Sunday between 8:00 AM and 10:00 AM. The entire weekend event is dedicated to healthy lifestyle, exercise and training specific to women.

While the group sessions have been very popular, Luke still has smaller, private groups of 2 to 8 attending training sessions daily. These sessions are typically held in the morning or late afternoon and evenings by appointment only. Hours for these smaller group sessions typically occur weekdays between 6:00 AM to 10:00 AM and 3:00 PM to 9:00 PM. Saturday hours have typically been limited to 8:00 AM to 10:00 AM and Sunday is limited to one primal event held between 9:00 AM and 10:00 AM. Each session is scheduled for one hour and attendees may arrive 15 minutes early and leave about 15 minutes after each session.

Given the variety of programs and sessions and to allow some growth in Luke's business, I would place normal hours of business to be from 6:00 AM to 10:00 PM weekdays. The weekend schedule would be 8:00 AM to 7:00 PM on Saturdays and 8:00 AM to noon on Sundays. I would also note that Luke may hold up to four annual weekend events like the annual women's weekend event. Luke currently runs these events alone or with volunteer help from his mother or one of the more experienced guests. In the future, his business could include 3 or 4 employees to help as his business grows.

Luke has used the barn onsite for small exercise groups, storage of equipment and guest sign-in area. He would like to continue that use to the extent that building codes will allow. We are working with David O'Connell and Mark

RE: 432 East Waterman Road

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Stambach to determine what improvements would be required and what the total occupancy of the barn could be under current building codes. While we don't have those answers with the filing of this application, we hope to be able to better define the use of this space before the meeting with the Planning Board in November. Several times a year, severe weather conditions can cause a cancellation of a work session. If portions of the existing barn can be available for use during these weather events, it will help Luke to keep that business opportunity which would otherwise be lost. There is no running water in the barn. Guests currently bring their own drinking water from home and a portable toilet(s) is provided for guest use. Luke plans to continue this practice with the proposed expansion.

When I first met Luke onsite, I told him that he should start monitoring the number of guests and number of vehicles he can park onsite and in the field area along his drive that he now has permission to use from a neighbor. I understood that parking along the East Waterman Road had previously created some issues. I also knew that the City Code would not have a specific parking requirement for this type of recreational use of the property. In Section 6, I have provided a chart showing the parking use on the property at the larger sessions since August 13th.

Luke has made good use of social media and it is important to see that his customers respond to his request to car pool and follow directions on where or where not to park. The numbers show a maximum of 25 cars on a Ladies Lifting Night where 53 ladies attended. As noted, Luke has been able to park up to 17 vehicles in his yard with the ability for each vehicle to come and go without moving a vehicle. The remaining 8 vehicles parked in the adjacent field on that evening. I have attached a sketch showing how the parking was accomplished. On another evening, with 48 ladies attending, he had only 12 cars, which shows a vehicle occupancy rate of 4 per car.

Since August 13th, there have been no vehicles parked on East Waterman Road. All vehicles have been parked in the driveway or in the field. The peak use has been 25 vehicles. With parking in the driveway and the field, Luke can accommodate 33 vehicles. Since everyone arrives and leaves after each event, and to reduce impervious area for this project, we have shown parking areas where cars will stack behind each other as is the current practice. We have proposed to improve the parking area in the field and believe that sufficient parking to support

RE: 432 East Waterman Road

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this expansion has been provided. More importantly, Luke and his clientele have demonstrated that they will car pool as necessary and will park as directed so that they can continue to have an opportunity to work out with Luke at this site along the Androscoggin River.

The only improvement proposed under this application is the construction of the gravel parking area in the field. We have discussed this with the neighbor who has agreed with that improvement. Once we secure approvals, we will get a revised agreement with them to document this change in parking condition on their property. These improvements will meet all setback requirements and will only add about 6,600 square feet of impervious area to the neighbor's lot which includes about 12.6 acres. No stormwater improvements are required for this level of development. Erosion control during construction will be done in accordance with the specifications provided on the design plan.

If you have questions or need additional information, please do not hesitate to call. I look forward to your review and a meeting with the Planning Board in November to secure approvals for this project.

Respectfully yours,

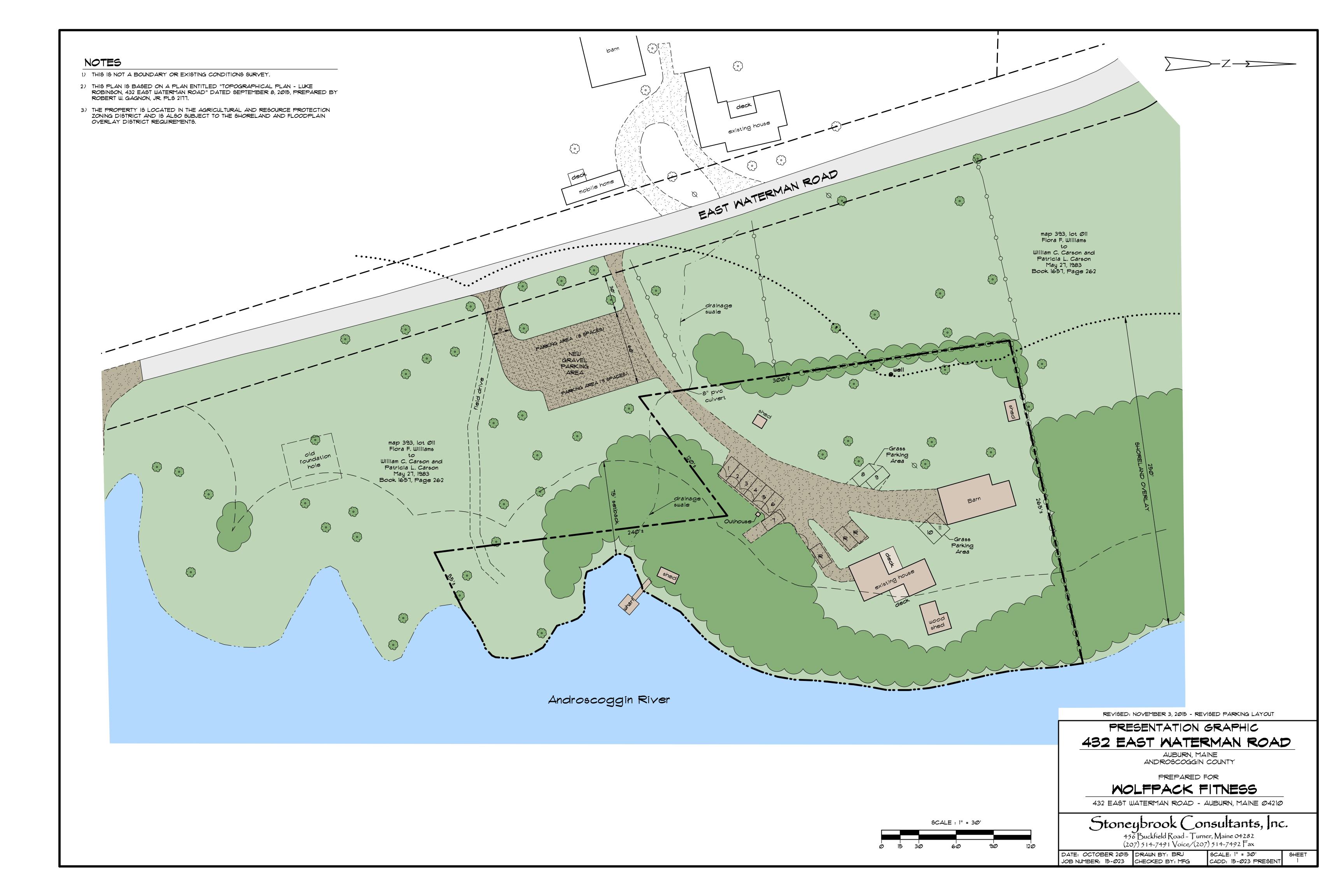
STONEYBROOK CONSULTANTS, INC.

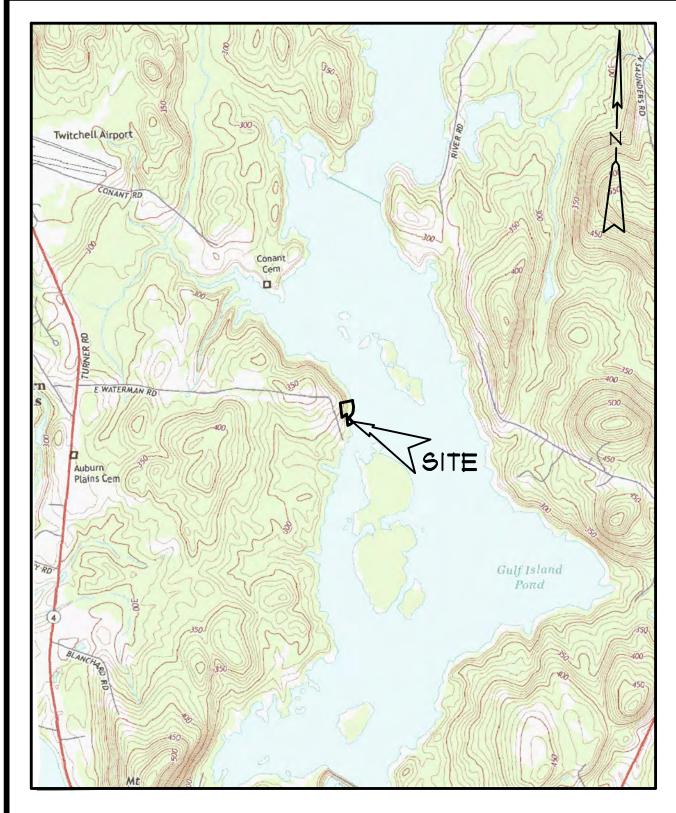
Michael F. Gotto

cc: Luke Robinson

Section 2

Project Maps





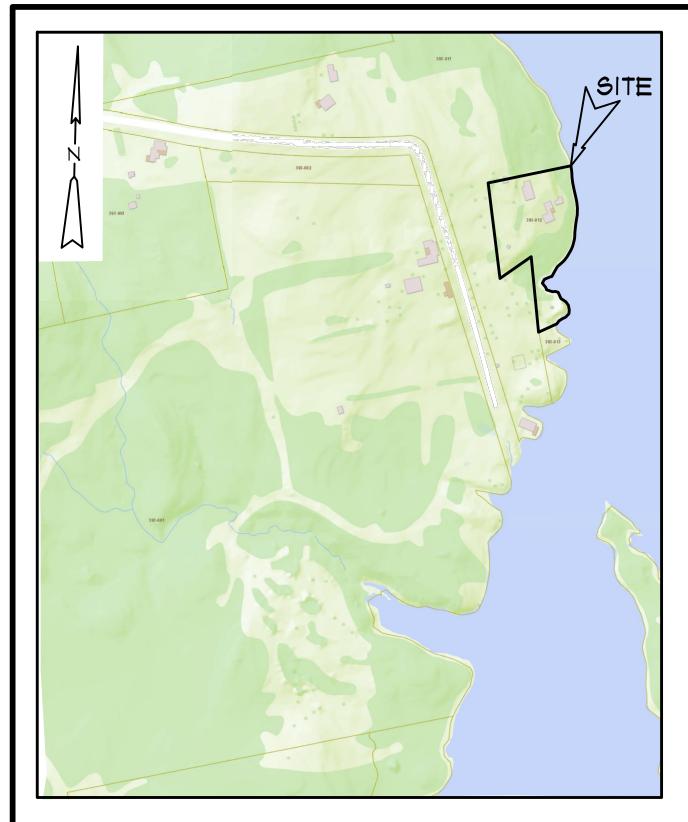
USGS LOCATION MAP

432 EAST WATERMAN ROAD - AUBURN APPLICANT: WOLFPACK FITNESS

SCALE: 1" = 2,000"

DATE OF GRAPHIC: OCTOBER 1, 2015

SOURCE: MAINE OFFICE OF GIS ORIGINAL PUBLICATION DATE: 1967



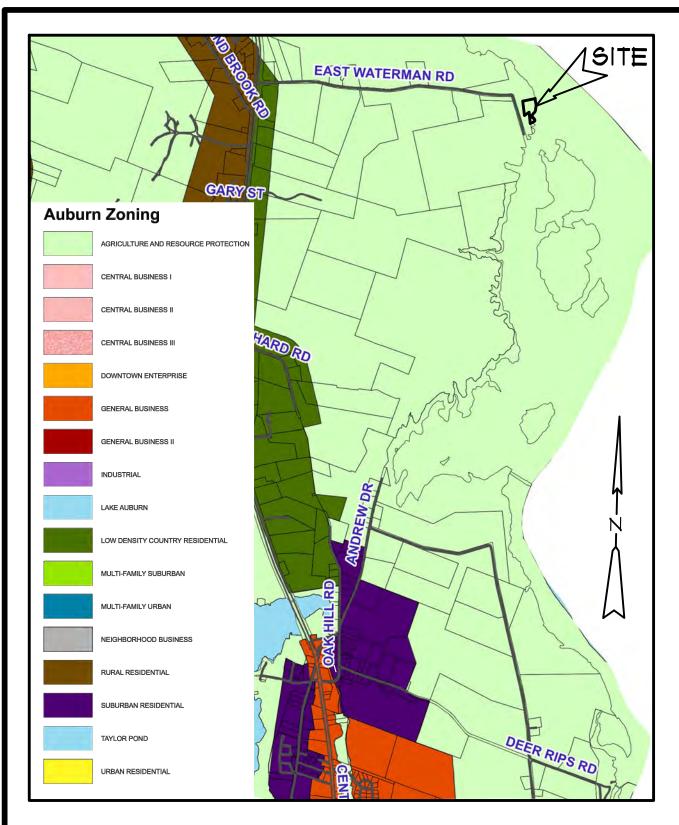
TAX MAP

432 EAST WATERMAN ROAD - AUBURN APPLICANT: WOLFPACK FITNESS

SCALE: 1" = 300'

DATE OF GRAPHIC: OCTOBER 1, 2015

SOURCE: CITY OF AUBURN GIS PUBLICATION DATE: 2015



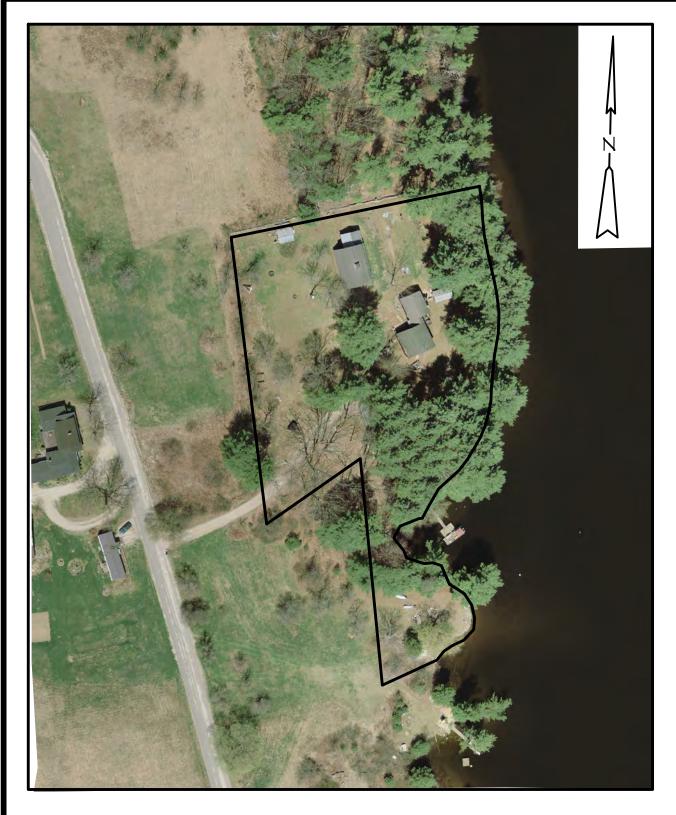
ZONING MAP

432 EAST WATERMAN ROAD - AUBURN APPLICANT: WOLFPACK FITNESS

SCALE: 1" = 2,000"

DATE OF GRAPHIC: OCTOBER 1, 2015 SOURCE: CITY OF AUBURN ZONING MAP

PUBLICATION DATE: APRIL 2009



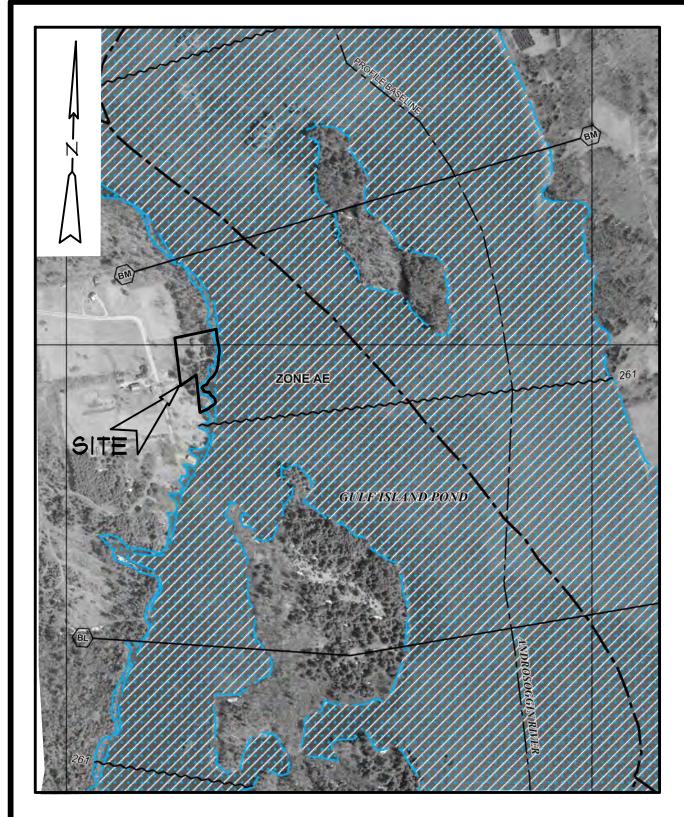
2013 AERIAL PHOTO

432 EAST WATERMAN ROAD - AUBURN APPLICANT: WOLFPACK FITNESS

SCALE: 1" = 100'

DATE OF GRAPHIC: OCTOBER 1, 2015

SOURCE: MAINE OFFICE OF GIS PUBLICATION DATE: 2013



FLOOD MAP

432 EAST WATERMAN ROAD - AUBURN APPLICANT: WOLFPACK FITNESS

SCALE: 1" = 600'

DATE OF GRAPHIC: OCTOBER 1, 2015

SOURCE: FEMA FIRM

PUBLICATION DATE: JULY 8, 2013

WILLIAM C. CARSON

464 E. Waterman Rd Auburn, Maine 04210

October 30, 2015

To Whom It May Concern,

We, Patricia L. Carson and William C. Carson, do hereby grant permission to WolfPack Fitness LLC and it's owner Luke Robinson to construct a graveled area on our property east of E. Waterman Rd, south of right of way from E. Waterman Rd. to property at 432 E. Waterman Rd, as needed to park cars for use by customers of Wolf Pact Fitness.

The Carsons will NOT be responsible for any damage to vehicles or individuals using this agreed upon property. This permission is valid for a period of 5 years. This permission may be renewed upon agreement by all parties concerned. In the event the Carson's should sell their property or transfer to a different owner, this permission must be renegotiated between WolfPack Fitness LLC and the new owners.

Sincerely

William C. Carson

Date 10/30/15

Patricia L. Causa

1. Juli C Can

Patricia L. Carson

Date 10/30/5





Development Review Application
City of Auburn Planning and Permitting Department
City of Lewiston Department of Planning and Code Enforcement

PROJECT NAME:			
PROPOSED DEVI	ELOPMENT ADDR	ESS:	
PARCEL ID#:			
REVIEW TYPE:	Site Plan □ Subdivision □	Site Plan Amendment □ Subdivision Amendment □	•
PROJECT DESCRIP	TION:		
CONTACT INFO	RMATION:		
<u>Applicant</u>		Property Owner	
Name:		Name:	
Address:		Address:	
Zip Code		Zip Code	
Work #:		Work #:	
Cell #:		Cell #:	
Fax #:		Fax #:	
Home #:		Home #:	
Email:		Email:	
			epresentatives for the
Project Representative		project (surveyors, e	ngineers, etc.),
Name:		Name:	
Address:		Address:	
Zip Code		Zip Code	
Work #:		Work #:	
Cell #:		Cell #:	
Fax #:		Fax #:	
Home #:		Home #:	
Email:		Email:	

PROJECT DATA

The following information is required where applicable, in order complete the application

IMPERVIOUS SURFACE AREA/RATIO	
Existing Total Impervious Area	sq. ft.
Proposed Total Paved Area	sq. ft.
Proposed Total Impervious Area Proposed	sq. ft.
Impervious Net Change	sq. ft.
Impervious surface ratio existing.	% of lot area
Impervious surface ratio proposed	% of lot area
BUILDING AREA/LOT COVERAGE	
Existing Building Footprint.	sq. ft.
Proposed Building Footprint	sq. ft.
Proposed Building Footprint Net change	sq. ft.
Existing Total Building Floor Area	sq. ft.
Proposed Total_Building Floor Area	sq. ft.
Proposed Building Floor Area Net Change	sq. ft
New Building ?	(yes or no)
Building Area/Lot coverage existing	% of lot area
Building Area/Lot coverage proposed	% of lot area
ZONING or FORM BASED CODE DISTRICT	
Existing	
Proposed, if applicable	
LAND USE	
Existing	
Proposed	
RESIDENTIAL, IF APPLICABLE	
Existing Number of Residential Units	
Proposed Number of Residential Units	
Subdivision Proposed Number of Lots	
PARKING SPACES	
Existing Number of Parking Spaces.	
Proposed Number of Parking Spaces	
Number of Handicapped Parking Spaces	
Proposed Total Parking Spaces.	
ESTIMATED COST OF PROJECT	
	
DELEGATED REVIEW AUTHORITY CHECKLIS	<u>8T</u>
SITE LOCATION OF DEVELOPMENT AND STORM	MWATER MANAGEMENT
Existing Impervious Area	sq. ft.
Proposed Disturbed Area	sq. ft.
Proposed Impervious Area	sq. ft.
1. If the proposed disturbance is greater than one acre,	
General Permit (MCGP) with MDEP.	ssen use appareatiti sisuti approp for a matte constituetion
2. If the proposed impervious area is greater than one a	cre including any impervious area crated since
	P Stormwater Management Permit, Chapter 500, with
the City.	· Stormant Izanagement z ermit, Sumpter see, with
3. If total impervious area (including structures, pavem	ent, etc) is greater than 3 acres since 1971 but less than
	ion of Development Permit with the City. If more than
acres then the application shall be made to MDEP u	nless determined otherwise.
4. If the development is a subdivision of more than 20 a	
apply for a Site Location of Development Permit wit	th the City. If more than 100 acres then the application
shall be made to MDEP unless determined otherwise	
TRAFFIC ESTIMATE	
Total traffic estimated in the peak hour-existing	passenger car equivalents (PCE)
(Since July 1, 1997)	
	1 4007)
Total traffic estimated in the peak hour-proposed (Since July 1 If the proposed increase in traffic exceeds 100 one-way trips in	1, 1997)passenger car equivalents (PCE) the peak hour then a traffic movement permit will be required.

Zoning Summary zoning/form based code district. 1. Property is located in the ____ 2. Parcel Area: acres / square feet(sf). Regulations Required/Allowed **Provided** Min Lot Area Street Frontage Min Front Yard Min Rear Yard Min Side Yard Max. Building Height Use Designation 1 space/ per square feet of floor area or dwelling unit Parking Requirement Total Parking: Overlay zoning districts_(if any): Urban impaired stream watershed? YES/NO If yes, watershed name

DEVELOPMENT REVIEW APPLICATION SUBMISSION

Submissions shall include fifteen (15) complete packets containing the following materials:

- 1. 5 Full size plans_and 10 smaller (no larger than 11" x 17") plans containing the information found in the attached sample plan checklist.
- 2. Application form that is completed and signed_by the property owner or designated representative.

 (NOTE: All applications will be reviewed by staff and any incomplete application will not be accepted until all deficiencies are corrected.
- 3. Cover letter stating the nature of the project.
- 4. All written submittals including evidence of right, title and interest.
- 5. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
- 6. Any additional materials as required by the Form Based Code (Chapter 60-546).

Refer to the application checklist for a detailed list of submittal requirements.

L/A's development review process and requirements have been made similar for convenience and to encourage development. Each Citys ordinances are available online at their prospective websites:

<u>Auburn:</u> www.auburnmaine.org under City Departments/ Planning and Permitting/Land Use Division/<u>Zoning Ordinance</u> <u>Lewiston:</u> http://www.ci.lewiston.me.us/clerk/ordinances.htm Refer to Appendix A of the Code of Ordinances

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, I certify that the City's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for development review <u>only</u>; a Performance Guarantee, Inspection Fee, Building Permit Application and other associated fees and permits will be required prior to construction.

Signature of Applicant: Date:

CITY OF AUBURN Form Based Code Compliance Checklist

Property Location:	,
Transect District:	(List)
Owner:	
	Site Plan Review, Special Exception,
Plan Type: (Circle)	Subdivision, Staff Review)
	Staff, Plan Review Group, Planning
Reviewed By:	Board

Complies With:		Required	Complies	Not Comply	N/A
	Intent and Purpose			į.	
Plan Requirements:					
	Surrounding Info (Photos, Mapping,				
	Sketches)				
	Topographic Info (FP, Steep Slopes)				
	Elevations				
	Materials				
	Fencing				
	Landscaping				
	Signage				
Building Placement:					
	Front Set-Back (Principal)				
	Front Set-Back (Secondary)		9		
	Side Yard Set-Back				
	Rear Yard Set-Back				
	Building Coverage				
	Open Space				
	Frontage Build-Out				- Account to the control of the cont
	Building Width				
	Building Height (Min.)				
	Building Height (Max.)				
	Frontage Type				
	Primary Entrance on Front				10-00-00
	Ground Story Windows and Doors			2	
	Upper Story Windows				
	Front Facade Wall				
	Ground Story Elevation (1st fl.)				
	Accessory Building(s)				
	Driveway Location				
	Parking Location				
	Sidewalk				
Proposed Use:					***************************************
1	Use Type- Res., Comm. ,Mixed				
	Parking Requirement-				

Chapter 60 - ZONING [1]

Footnotes:

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State Law reference— Municipal planning and land use regulation generally, 30-A M.R.S.A. § 4301 et seq.; land use regulation, 30-A M.R.S.A. § 4351 et seq.; zoning ordinances, 30-A M.R.S.A. § 4352; regulation of manufactured housing, 30-A M.R.S.A. § 4358; enforcement of land use regulations generally, 30-A M.R.S.A. § 4451 et seq.; subdivisions, 30-A M.R.S.A. § 4401 et seq.; fences and fence viewers generally, 30-A M.R.S.A. § 2951 et seq.; local growth management programs, 30-A M.R.S.A. § 4321 et seq.; Airport Zoning Act, 6 M.R.S.A. § 241 et seq.

ARTICLE I. - IN GENERAL

Sec. 60-1. - Terms.

For the purpose of this chapter, certain terms or words used herein shall be interpreted as follows:

Lot. The term "lot "includes the words plot or parcel.

Person. The term "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

Shall/may. The term "shall" is mandatory, the term "may" is permissive.

Tense. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

Used or occupied. The term "used" or "occupied" includes the words intended, designed, or arranged, to be used or occupied.

(Ord. of 9-21-2009, § 2.1)

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 Structure or Building means an uninhabited building, at least five feet in distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building or to the principal use of the land and which is located on the same lot as the principal building use. The term "accessory buildings," in residential districts, includes tool sheds, wood sheds, detached garages and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district.

Accessory Use means a subordinate use of land or building which is customarily incidental and subordinate 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.

Adult Day Center means a supervised facility providing a program of education, crafts or recreation for adults over the age of 55 years.

Animal Unit means one living animal of any species.

Antique Shop means a building, or portion of building, where artifacts from generally recognized previous eras are sold or traded as the primary commercial activity.

Apartment. See the term Dwelling unit.

Architectural Features means exterior building elements intended to provide ornamentation to the building massing, including but not limited to, eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

Art Galleries means a building or place where works of art or other objects of value are kept, displayed, produced and offered for sale to the general public.

Automobile means a passenger vehicle propelled by a self-contained motor. The term "automobile" also includes motorcycles, all-terrain vehicles, trucks and recreation vehicles (RVs).

Automobile and Marine Paint and Body Shops means a building in which the business of automobile and marine paint and bodywork is conducted. Such use may also include as an accessory use a facility for the orderly display and sale of vehicles which have undergone substantial body repair on the premises. No such facility shall display, outdoors or indoors, or offer for sale more than ten vehicles at any one time.

Automobile and Marine Repair and Service Station means a building, lot or both in or upon which the business of general motor repair and vehicle service is conducted, but excluding junk and/or wrecking businesses.

Automobile, Commercial, means a vehicle the primary use of which is commercial in character.

Automobile Filling station means a building or lot having pumps and storage tanks at which fuel, oil or accessories for the use of motor vehicles are dispensed, sold or offered for sale at retail, where repair service is incidental and no vehicle storage or parking space is offered for rent.

Automobile Garage, Private, means an accessory building or portion of a main building designed, arranged or used for housing of private motor vehicles, only one of which may be a commercial vehicle. Not more than 50 percent of the space in such a garage shall be used for housing vehicles other than those owned by occupants of the premises.

Automobile Parking Lot, Private, means a parcel of land, lot or portion thereof required, in accordance with these regulations, for off-street automobile parking.

Automobile Repair and Service Station means a building, lot or both in or upon which the business of general motor vehicle repair and service is conducted, but excluding junk and/or wrecking business.

Automobile Sales Lot means a lot arranged, designed or used for the storage and display of motor vehicles or any unoccupied trailer for sale.

Automobile Scrap Yard means any land or building used for the dismantling, storage and salvaging for reuse of automobiles or other vehicles not in running condition.

Automotive Towing and Storage means a business engaged in/or offering the services of a tow_truck or towing service whereby motor vehicles are towed or otherwise removed from one place to another by the use of a motor vehicle specifically designed for that purpose. Storage of towed vehicles is considered to be the keeping of vehicles in a secured yard for not more than 120 days until claimed or disposed of in accordance with the laws of the state.

Basement means that portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

Bed and Breakfast Home means an accessory use to a single-family dwelling involving the renting of four or fewer guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast only to house guests. Such establishment shall be owned and operated by the resident of the dwelling. The term "bed and breakfast home" also includes a tourist home.

Bed and Breakfast Inn means a dwelling involving the renting of more than four but fewer than ten guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast to house guests only. Such use may provide a restaurant, function rooms and places of public assembly.

Boardinghouse or Lodginghouse means a dwelling, which, for compensation, lodging, or lodging and meals are provided to more than four persons and where a proprietor or owner resides in the building. No provisions for cooking in individual rooms other than a main kitchen is allowed.

Building means a structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind. (See the term Structure.)

Building Envelope means the ground area on a lot and the space above it on which a building may be constructed. (added on 10/15/15)

Building Form means the overall shape and dimensions of a building.

Building Height means the vertical distance from the grade of the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the averages of the grades at the center of each street front

Building Inspector means the building inspector of the City of Auburn, Maine, or their his duly authorized agent.

Building Line means a line beyond which the foundation wall and/or any enclosed porch, vestibule of other enclosed portion of a building shall not project. Also called "Build-to-Line" in Form Based Code.

Building, Principal, means a building in which is conducted the principal use of the lot on which it is situated.

Care Home means a rest, nursing, or convalescent home established to render domiciliary nursing care and board for chronically ill or convalescent patients, or persons who are infirm because of mental or physical conditions, but excluding a child care home or one for the care of mentally retarded patients, alcoholics, psychotics or drug addicts.

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 cellar shall not be used for habitation.

Cemetery means a place used for the permanent interment of dead bodies or cremated remains thereof. A cemetery may be a burial park of earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of one or more thereof.

Child Care Home means a child boarding home, summer camp, foster family home or other place providing domiciliary arrangements for compensation, of three or more children, unrelated to the operator by blood, marriage or adoption, under 18 years of age. A facility providing child day care less than 24 hours per day, per child, to more than five children shall not be considered a child care home. The term "child care home" includes any family-type facility which provides child care to children placed by order of any court of competent jurisdiction, or by any public welfare department, or other governmental agency having responsibility for placing children for care, or placed by child-placing agency licensed under state law.

Child day Care Center means a facility conducted or maintained by anyone who provides, for consideration, care and protection for more than 12 children under 16 years of age, unrelated to the day care center operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care center, but is classified as a nursery school.

Child Day Care Home means an accessory use of a residence by a person residing on a premises to provide on a regular basis, and for consideration, care and protection for up to 12 children under 16 years of age, unrelated to the day care home operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to

be a day care home, but is classified as a nursery school. A child day care home shall not be located closer to another child day care home than 500 feet measured along the street frontage. Child day care homes shall be reviewed under the city's home occupation regulations (article IX of this chapter) and shall meet the following:

- (1) All outdoor play areas, used in conjunction with the day care operation, shall be fully enclosed by a fence, a minimum of four feet in height.
- (2) If the property utilizes a private sewerage disposal/septic system a written verification from a site evaluator, stating that the current system can handle the change of use to include the children in the proposed day care, shall be submitted.

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which buildings, accessory buildings and uses are maintained and controlled by a religious body organized to sustain public worship.

Clinic means an establishment where patients are accepted for treatment by a group of physicians practicing medicine together, but shall not offer domiciliary arrangements; medical and dental.

Club, Private, means any building or rooms, which serve as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

Community Based Residential Facilities (CRF) means dwelling units providing communal domiciliary arrangements for a group of unrelated persons under supervision of the state government human service agencies, for the transition of formerly institutionalized persons back into the mainstream community living and participation, a halfway house, or a group home.

Comprehensive Plan means the master development plan of the City of Auburn, Maine, any amendments or additions thereto, part or portion thereof adopted by the city council upon recommendations of the planning board of Auburn, Maine, pursuant to 30-A M.R.S.A. § 4323.

Convenience Store means a business establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table, other articles of household use and gasoline pump service is offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises.

Court means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings which is bounded on two or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

Dental Clinic means an establishment where patients are accepted for treatment by a group of dentists practicing dentistry together.

Development Standard(s) means building standards that establish basic parameters governing building form, including the envelope for building placement in three dimensions and certain permitted and required building elements such as storefronts, balconies, street walls, etc. The Development Standards establish both boundaries within which development may take place and what requirements apply. The intent of the Development Standards is to shape vital public space throughout the Downtown Auburn Form-Based Code District through placement and envelope controls on buildings that frame the street space.

Director or PACE director means the PACE dDirector of Planning and any successor or other official designated from time to time by the city council to enforce the provisions of this chapter.

District or Zone means an area within which certain uses of land and buildings are permitted or denied pursuant to municipal review, and certain others are prohibited.

District, Overlay, means a special district or zone which addresses special land use circumstances and environmental safeguards and is superimposed over the underlying existing zoning districts.

Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay zone or district.

Dormitory means a building or portion thereof used for sleeping purposes in connection with a school, college or other educational institution.

Driveway means private ways intended for internal vehicular circulation on a lot or within an automobile parking lot.

Dump means any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or any other means and for whatever purpose of garbage, trash, refuse, dead animals, waste materials of any kind, junk; but not untreated sewage, animal waste, discarded machinery, or vehicles or parts thereof. The establishment of any dump shall be approved by the city council of the City of Auburn.

Dwelling or Dwelling Unit means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling, Multifamily, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

Dwelling, One-Family Detached, means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. Each one-family detached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

Dwelling, Seasonal, means a dwelling occupied for not more than six months of any year.

Dwelling, Two-Family, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

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.

Eave means the edge of a roof which projects beyond the exterior wall.

Encroachment means any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace, or deck that breaks the plane of a vertical or horizontal regulatory limit exceeding into a setback, beyond the Building, into the public frontage, or above a height limit.

Erected includes the terms "built," "constructed," "reconstructed," "enlarged" and/or "retained on."

Facade means the vertical surface of a building.

Family means one or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over four persons.

Farm means any parcel of land containing more than ten acres which is used in the raising of agricultural products, livestock or poultry, or for dairying. The term "farm," under the Agricultural and Resource Protection District, shall be further defined as meeting the following criteria:

- (1) At least 50 percent of the total annual income of the farm occupant and his spouse living in the farm residence will be derived from such uses; and
- (2) At least ten acres of the farm will be devoted to the production by the occupant of field crops or to the grazing of the occupant's livestock. For purposes of this definition, the term "poultry"

means no fewer than 100 foul and the term "livestock" means no fewer than 20 cattle or other animals being raised for commercial purposes.

Farm, animal, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, cows, goats, sheep, hogs and similar sized animals for the domestic use of the residents of the lot, provided that adequate land area is provided for each animal unit contains at least the following, excluding water bodies of one-quarter acre surface area or larger:

- (1) Cattle: One bovine animal unit per acre of cleared hay-pasture land.
- (2) Horse: 1.5 animal units per acre of cleared hay/pasture land.
- (3) Sheep: Three animal units per acre of cleared hay/pasture land.
- (4) Swine: Two animal units per acre of cleared land.
- (5) Other animal farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

Floodplain overlay means those areas of the city which are directly affected by flooding as shown on the flood insurance rate maps (FIRM) as established by the Federal Emergency Management Agency and that shall comply with the pertinent regulations found in division 2 of article XII of this chapter pertaining to the Floodplain Overlay District.

Floor area of building means the total number of square feet of floor area of all stories in a building, excluding cellars, uncovered steps and uncovered porches. All horizontal measurements shall be made between exterior faces of walls.

Frontage means the length of a lot extending between the side lot lines of a lot which borders an accepted portion of a street. Maine Turnpike frontage does not apply to this definition.

<u>Form Based Code means a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. (Added 10/16/15)</u>

Frontage Line means the lot line(s) of a lot fronting a street or other public way.

Frontage, Private means the area between the building façade and the shared lot line between the public right-of-way and the lot.

— Frontage, Public means the area between the curb of the vehicular lanes and the edge of the right-of-way.

Greenhouse means an enclosed structure where trees, shrubs, vines and plants are propagated, grown or maintained. Activities associated with a greenhouse include:

- (1) The sale of greenhouse products and related supplies; and
- (2) The storage of material used in the maintenance of plants and growing items sold.

Grocery Store means a small retail establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table and other articles of household use are offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises; a corner market, a mom and pop store.

Ground Area of Building means the total number of square feet of horizontal surface covered by a building, including covered porches and accessory buildings. All measurements shall be made between exterior faces of walls, foundation, piers or other means of support.

Group Home. See the term Community based residential facilities.

Guesthouse means a detached dwelling that is intended, arranged or designed for occupancy by transient, nonpaying visitors.

Habitable Space means 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 area next below the roof of a dwelling shall be counted only if it is connected with the story next below by a permanent inside stairway. The floor area of any porch, cellar room, garage or shed attached to such dwelling shall not be counted in any measure of habitable space.

Half-Story means 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.

Historic Site means a parcel of land, a particular building, or a group of buildings that have played a significant role in the history of the community, and identified as such by the state historic preservation committee.

Historic or Archaeological Resources means areas identified by a governmental agency such as the state historic preservation commission as having significant value as historic or archaeological resources and any areas identified in the municipality's comprehensive plan.

Hog Farm means any land or building used for the purpose of keeping, feeding or raising 20 or more swine per piggery. Establishment of this use requires approval from the city health department.

Home Occupation means the accessory use of a dwelling unit for a business or commercial venture engaged in, by the person residing in the dwelling unit, and which allows up to one person who does not reside on the premises to be employed by that home occupation.

Hospital means any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. The term "hospital" includes general hospitals and institutions in which service is limited to special fields such as cardiac, eye, nose and throat, pediatric, orthopedic, skin, cancer, mental health, tuberculosis, chronic disease and obstetrics. The term "hospital" also includes sanitariums, including those wherein mentally retarded and mental patients, epileptics, alcoholics, senile psychotics or drug addicts are cared for or treated.

Hotel means a building in which the primary use is transient lodging accommodations offered to the public on a daily rate of compensation and where ingress and egress to the sleeping rooms is primarily through an inside lobby or office, supervised by a person in charge at all hours. Such facilities may include accessory uses such as restaurants, bars, nightclubs, function rooms, places of public assembly and/or recreational facilities.

Household pet means any animal kept as a pet and normally housed at night within the owner's dwelling or an accessory building on the same lot, including laying hens, but not including any animal normally raised as livestock or poultry or any animal raised for commercial gain. No household pet shall be kept that creates a public nuisance by reason of:

- (1) Objectionable effects perceptible outside the owner's property, such as excessive or untimely noise or offensive odors; or
- (2) Being a hazard to the health, safety and welfare of neighbors, invited guests or public servants visiting the property in the pursuit of their normal duties.

Illustrative Plan means a plan or map that depicts (i.e. Illustrates but does not regulate) the streets, lots, buildings and general landscaping of the proposed Downtown Auburn/New Auburn Form-Based Code District.

Industrial use, heavy, means the use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

Industrial use, light, means the use of real estate, building or structure, or any portion thereof, the main processes of which involve the assembly of prefabricated parts and which will not create a nuisance by noise, smoke, vibration, odor or appearance.

Institution means any building or open area used only by an educational, religious, medical, charitable, philanthropic, or nonprofit organization, either public or private.

Institution, philanthropic, means a private, nonprofit organization that is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization and which either:

- (1) Provides volunteer aid to the sick and wounded of the armed forces in time of war and relief services to victims of natural or manmade calamities; or
- (2) Provides all or any of the following: religious, social, physical, recreational and benevolent service.

Institution, private educational, means any private school or educational institution, however designated, which offers an academic curriculum of college, professional, preparatory, high school, middle school, elementary, kindergarten or nursery school instruction, or any combination thereof; but not a training program of trade, craft, technical or artistic instruction operated by a governmental entity. No private educational institution shall be deemed a home occupation. (See the terms Training school and School.)

Institution, research, means an agency for scientific research of technical development including offices, libraries, laboratories, testing facilities and equipment incidental to such research and development.

Junkyard or automobile graveyard means any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metal, other scrap or discarded material, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof. Establishment and operation of this use requires annual approval from the City Council of Auburn, Maine.

Kennel means any building and/or land used, designed or arranged for the boarding, breeding or care of dogs, cats, pets, fowl or domestic animals, kept for purposes of show, hunting or as pets, except horses.

Land Use Permit means a permit required for the use of property that is legally permitted under the provisions of this chapter.

Landscape Services means the actual planting, bed preparation, installation of landscape materials and maintenance of the landscape, planting and materials. Activities associated with landscaping include: the storage of materials and equipment related to the performance of landscaping, the temporary storage of trees, shrubs and plants pending installation in an existing landscape plan and the application and storage of pesticides and fertilizers by a licensed person.

Lawn Maintenance service means the care and upkeep of the landscape after its installation and consists of such activities as mowing of the lawn, pruning of trees and shrubs, application by hand of fertilizer and weed control, insect and disease control, planting and care of flower beds, replacement of dead plants, incidental repairing of walls and paved surfaces, cleaning of fountains and pool basins, irrigation of lawns, cultivation of soil around trees and shrubs, rolling and reseeding of lawns, raking of leaves, winterization of trees and shrubs and snow removal.

Library means a place containing books and other material for reading, study or reference, provided that no such material is offered for sale.

Livestock means domestic animals kept, used or raised on a farm for the production of income.

Lodge, private. See the term Club, private.

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 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 means the front of a lot shall be construed to be the portion nearest the street. 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, and yards shall be provided as indicated under the definition of yards in this section.

Lot line, rear, means the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said front lot line.

Lot measurements means the following measurements:

- (1) The depth of a lot shall be considered to be the uninterrupted distance between the midpoints of lot frontage straight lines connecting the foremost points of the side lot lines in front and the midpoint of the rearmost points of the side lot lines in the rear unless a rear lot line unless the lot meets the exception provided for by section 60-39.
- (2) The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between the side lot lines at their foremost points (where they intersect the street line) shall not be less than 80 percent of the required lot width except in the case of a lot on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

Lot of Record means a lawfully laid out lot which is part of a subdivision recorded in the proper office of the registry of deeds, or a lawfully laid out lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types means the diagram which follows illustrates terminology used in this chapter with reference to corner lots, interior lots, reversed frontage lots and through lots. In the diagram above, the lots designated by letters are defined as follows:

- (1) Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. (See lots marked A(1) in diagram)
- (2) Interior lot, defined as a lot other than a corner lot with only one frontage on a street other than an alley.
- (3) Through lot, defined as a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.
- (4) Reversed frontage lot, defined as a lot in which the frontage is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot. (See A-D and B-D in diagram.)

Lot, Undersized, means for zoning purposes, as covered by this chapter, an undersized lot is a parcel of land of insufficient size to meet minimum zoning requirements for area or width or depth.

Major or Principal Arterial Highway means the highway that:

(1) Serves the major traffic movements within urbanized areas such as between central business districts and outlying residential areas, between major intercity communities, or between major suburban centers:

- (2) Serves a major portion of the trips entering and leaving the urban area, as well as the majority of the through traffic desiring to bypass the central city;
- (3) Provides continuity for all rural arterials which intercept the urban area. The term "major or principal arterial highways" includes Washington Street (State Routes 4 and 100, U.S. 202), Minot Avenue (State Routes 11 and 121), Union Street/Center Street/Turner Road (State Route 4), Veterans Memorial Bridge and approaches (State Routes 11 and 100, U.S. Route 202), North Bridge/Court Street to in town Minot Avenue Intersection (Turner Street), Court to Center Street (State Route 4).

Major Retail Development means a single building in excess of 100,000 square feet of new ground floor retail space.

Manufactured Housing means a structural unit designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term "manufactured housing" includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. The term "manufactured housing" includes newer mobile homes and modular homes.

Mining, Quarrying, or earth removing means the excavation of any earth materials.

Minor Arterial Highway means the highway that:

- (1) Serves trips of moderate length at a somewhat lower level of travel mobility than principal arterials;
- (2) Provides access to geographic areas smaller than those served by the major arterial highway system; and
- (3) Provides intra-community continuity but does not penetrate identifiable neighborhoods. Examples are Riverside Drive, Mill Street, South Bridge (Broad Street to Mill Street), Main Street, Mechanics Row, High Street (Minot Avenue to Academy Street), Academy Street (High Street to Main Street), Elm Street, Spring Street (Minot Avenue to Court Street), Turner Street (Union Street to Turner Road), Mount Auburn Avenue (Center Street to Turner Street), Lake Street, Court Street (Union Street to in town Minot Avenue Intersection), Hotel Road (Manley Road to Poland Spring Road).

Mobile Home Development, intended to be generic, includes mobile home parks, mobile home subdivisions, and mobile home condominiums.

Mobile Home Park means a parcel of land under single ownership in rural residence and suburban residence districts which has been planned and improved for the placement of not less than three mobile homes for non-transient use.

Mobile Homes, newer, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacture certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width and are 700 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings on foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical system contained therein; except that the term "newer mobile homes" includes any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, 42 USC 5401 et seq.

Mobile homes, older, means any factory-built home which fails to meet the definition of manufactured housing and more specifically, the term "older mobile homes" means any mobile home constructed prior to June 15, 1976. These units shall be restricted to approved mobile home parks.

Modular homes means those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

Motel means a building or group of detached buildings intended primarily to provide sleeping accommodations to the public on a daily rate of compensation and having a parking space generally located adjacent to a sleeping room. Such facilities may include a main kitchen or snack bar for the use of motel guests only.

Municipal sanitary landfill means a disposal site for household, commercial and industrial wastes, sludge or incinerator ash operated or controlled for operation by the city in a controlled manner involving the covering of deposited wastes with layers of earth so as to reduce health hazards and public nuisances from vermin, insects, odors and wind-borne debris. The location and design of sanitary landfills also require precautions against ground and surface water contamination through clay lining, water impoundment, aquifer avoidance and similar techniques.

Municipal uses means any lawful use of a building or of land carried on by the city sanitary landfill shall not be deemed a municipal use.

Museum means a building or place where works of art or other objects of permanent value are kept and displayed, provided such objects are not offered for sale.

Nonconforming building means a building lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming lot means a lot lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming use means a use of a building or of land lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform with the use regulations of the district in which it is located.

Nursery means an outdoor place where live trees, shrubs, vines and plants are propagated, grown or maintained before permanent planting. Activities associated with nursery a business include: the sale of nursery products and related gardening supplies, the storage of material used in the maintenance of plants and growing items sold and the use of power-motorized equipment required by the nursery.

Nursery, child, means a facility providing a program less than 24 hours per day per child for the care of infants up to the age of $2\frac{1}{2}$ years.

Nursery, wholesale, means a nursery where plants, trees, shrubs and vines are propagated and/or grown and sold only at wholesale to industry related buyers such as retail nurseries, greenhouses and landscape contractors. A wholesale nursery may also provide landscape services accessory to the nursery use provided.

- (1) At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner; and
- (2) The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

Office means a building, or portion of a building wherein services are preformed involving predominantly administrative, professional or clerical operations.

Office trailer means a movable vehicle or structure designed for year_round or temporary occupancy for purposed of supervising construction; for business actually engaged in the business of selling manufactured housing, mobile homes and trailers; and as temporary office space for a business during the period in which permanent office space is being constructed.

Open Space means open or green space that is accessible for the use and enjoyment of residents, shall not be steep sloped (over 10% slope), shall not include wetlands, parking or required buffer areas, and may include any required yard area or open areas for play.

Outpatient Addiction treatment clinic means a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including but not limited to gambling addition, alcohol or controlled substance addictions. The term "outpatient addiction treatment clinic" includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic shall not be located within 2,000 feet of any property that is occupied by a church, school, family day care home, small day care facility, day care center, or public park or playground on the date of application for a license for such a facility. The term "outpatient addiction treatment clinic" does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

PACE means the city's planning, accessing, code, and economic development department.

Parapet means a low wall along the edge of a roof or the other portion of a wall that extends above the roof line.

Parking Space, off-street, means a rectangular area, not less than nine feet by 18 feet, forming a parking stall within or without a structure, not located in any public right-of-way.

Performing Arts Center means a public or private space used to create and present various performing and visual arts. For the purposes of this definition, the term "performing arts center" also includes educational and training uses associated with the various performing and visual arts.

Planning Board means the planning board of the City of Auburn, Maine.

Planning director means the director of the city department of community development and planning.

<u>Primary Entrance means a section of building elevation which contains the street level principal</u> entrance of the business, including the businesses on upper floors or in a basement.

Principal Use means the principal use for which a lot or main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

Professional Office means rooms and/or buildings used for office purposes as the principal use by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, veterinarians, etc.

Realm, Private means the physical and social domain that is considered private by their physical location and visual association being away from public view. This is considered areas behind the front building facade along with side and rear yard areas.

Realm, Public means the physical and social domain of the public that is held in common either by their physical presence or visual association. This includes but is not limited to sidewalks, plazas, squares, parks, streets, front yards, civic buildings and civic spaces.

Recreational Uses of Land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races and facilities for mass gatherings when used for two or more events during a calendar year.

Regulating Plan means the adopted map that shows the Form Based Code zoning districts, which correspond to the special requirements of the Form Based Code.

Residential artist studio means a dwelling where up to 50 percent of the total floor space can be used for the production of art and/or craft products. The term "residential artist studio" shall not include

galleries or studios open to the public for display or sales. All artist studios shall be designed to meet all residential safety and occupancy requirements and shall be considered to be accessory to the residential use.

Restaurant means an eating place in which food is prepared and vended for immediate consumption on the premises without further preparation by the customer. The takeout of food on an infrequent basis is not prohibited.

Restaurant, Carry-Out, means an eating place in which all food is vended in disposable containers for consumption on or off premises at the customer's choice; a fast-food restaurant.

Restaurant, Drive-in, means an eating place in which the business transacted is conducted by a customer from within his automobile or in which consumption of goods sold normally takes place within the customer's automobile on the establishment's premises.

Retail means a principal use encompassing the sale of commodities or goods in small quantities directly to the consumer. The term "retail" sales does not include sales of professional, financial and governmental services and personal services, including but not limited to a hotel and its accessory uses (restaurants, salons, gift shops, recreational facilities, convention space, etc.).

Retail Space means the areas of a building, within a climate controlled environment, devoted to the display of commodities or goods for sale directly to the consumer and including customer sales transaction areas and areas associated with customer access.

Rifle, Pistol, Skeet or Trap Shooting Range means a rifle, pistol, skeet or trap shooting range operated by an individual or club. Such a range may be opened to the general public or developed for the exclusive use of the individual, or club and invited guests.

Road means any public or private traveled way or any portion thereof.

Roof means the covering for a building which is an integral part of the structure for the purpose primarily of protecting the interior of the building or covering a porch or other similar permanent portion thereof, excluding awnings, stoop coverings, or similar additions which are removable without substantially impairing the original structure.

Sawmill means a unit designed to saw logs into lumber, firewood or other processed wood products.

School means an educational institution offering an academic curriculum; not the teaching of the crafts or a training school offering a program of trade, technical instruction or physical education. (See the term Training school.)

Shared Housing means housing consisting of two or more families occupying a single dwelling and using common cooking facilities. Shared housing shall permit the same number of families at the same density as allowed in the zoning district where the property is located subject to all applicable codes relating to building, housing, life safety, health and zoning as would be applied to independent living units located in the same structure. Approval for shared housing shall be secured from the department of community development and planning subject to the codes and ordinances indicated in this definition, prior to establishing a shared housing arrangement in any building.

Shelter for Abused Persons means dwelling facilities complying with the laws administered by the state government human services agencies, providing temporary domiciliary arrangements for children and adults unable to protect their own interest and welfare because of critical family circumstances.

Shopping Center or office mall means a planned integrated complex of three or more retail stores and/or offices sharing a common structure and developed according to a unified plan. Such uses may include a common pedestrian circulation system and off-street automobile parking facilities.

Sign means any device, display surface, structure or object in public intended for visual communications.

Sign, Mobile Mounted, means a temporary sign which is mounted or for mounting on wheels or a mobile platform or which is portable.

Sign, Official Business Directional, means any off-premise sign permitted to be erected pursuant to article II of chapter 42.

Sign, On-Premises, means any sign that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or maintained or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

Sign, Standing, means any sign that is not attached to a building.

Sign, Temporary, means any movable sign, including its supporting structure, intended to be maintained for not more than 90 days in any calendar year.

Site-Built Home means a building constructed on-site which is designed to be used as a dwelling on foundations, when connected to the required utilities.

Slaughterhouse (abattoir, dressing plant) means any building, place or establishment in which is conducted the slaughtering of livestock and/or poultry for commercial purposes.

Special Exception means a use that would not be appropriate generally or without restriction throughout the district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Such a use may be permitted in such district as a special exception, if specific provision for such special exception is made in this zoning chapter and reasonable restrictions imposed by the planning board are complied with.

Specialty Shop means a retail business offering products of a similar kind and nature designed for a particular use, purpose or occasion and distinguished from a store offering the same type of product together with other products of a non-homogeneous quality.

Stable, Riding, means any building or structure used or designed for boarding, breeding or care of horses, other than horses used for farming or agricultural purposes.

Standing means a person who holds title, right or interest in a property which may include a written option, contract to purchase the property or a leasehold interest or may be a person who can show how his actual use or enjoyment of property will be adversely affected by the proposed decision as an abutter as defined in section 60-1473.

Story means that portion of a building between the surface of any floor and the surface of the other 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 unless such space is used for business or as habitable space, in which case it shall count as a story.

Story, Half, means a story under the gable, hip or gambrel roof, the plates of which on at least two opposite exterior walls are more than two feet above the floor of such story.

Street means the following:

- (1) A public way laid out and established by the state, county commissioners of the County of Androscoggin;
- (2) A way accepted by the municipal officers of the city:
- (3) A way as to which a petition for improvements has been allowed under the provisions of this chapter for which the cost of the improvements has been provided for by the developer in either a cash amount or as provided for in this chapter; or
- (4) A way on a plan of a subdivision duly approved by the planning board.

Street frontage. See the term Frontage.

Street Line means a line defining the edge of a street right-of-way separating the street from abutting property or lots.

<u>Street, Secondary means the street that is considered to be less intense to the other on a corner or double sided lot.</u>

Primary Street means the street that is considered to be more intensely used than the other on a corner or double sided lot.

Structure or Building means a combination of materials to form a construction that is safe and stable including, among other things: stadia, reviewing stands, platforms, automobile parking garages, stagings, windmills, observation towers, trestles, sheds, coal bins, shelters and display signs, but not fences of any kind.

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

Summer Camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations not exceeding 30 days.

Supermarket means a retail establishment having an interior selling space of 3,000 square feet or more where general food supplies for the table and other articles of household use are offered for sale.

Swimming Pool means any manmade receptacle or excavation housing a surface area of 250 square feet, or more, designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing whether in the ground or above the ground.

Theater, Indoor, means a building designed and/or used primarily for the commercial exhibition of motion pictures or plays to the general public.

Theater, Outdoor, includes only those areas, buildings or structures designed and used for the commercial outdoor exhibition of motion pictures to passengers in parked motor vehicles.

Tourist Home. See the term Bed and breakfast home.

Townhouse means a single-family dwelling unit that is one of two or more residential buildings having a common or party wall separating the units.

Trailer or RV means any vehicle or structure, except a device exclusively used upon stationary rails or tracks, mounted on wheels for use on highways and streets; propelled or drawn by its own or other motor power; and designed and constructed to provide living and/or sleeping quarters for one or more persons or for the conduct of a business, profession, trade or occupation for use as a selling or advertising device. If the wheels of a trailer are removed, except for repairs, it is deemed a building subject to all the regulations thereof. A trailer shall not be considered an accessory building.

Trailer Home means a travel trailer, camping trailer or other similar vehicle capable of being hauled by a passenger automobile or light truck and designed primarily for temporary occupancy for recreational purposes or other seasonal use. A trailer home shall not be considered an accessory building.

Training School means a public or private school or training institution which offers a training program of trade, technical instruction, or physical education. A training school shall not be deemed a home occupation.

Transect (Rural-to-Urban) means a cross-section of the environment showing a range of different building development zones. The Rural-to-Urban Transect of the human environment is divided into multiple transect zones that describe the physical form and character of a place according to the intensity of its land use and building development pattern.

Form Based Code Zoning District means one of the five areas on the Regulating Plan, including Transect 4.1 (T-4.1), Transect 4.2 (T-4.2), Transect 5.1 (T-5.1), Transect 5.2 (T-5.2), and Transect 6 (T-6).

Transmission Towers means a structure that has the sole purpose of transmitting radio, television, cellular telephone or telephone waves from one location to another.

Variance means a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. The term "variance" is authorized for only dimensional and supplemental regulations. Establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or adjoining districts.

Wayside Stand means a structure designed, arranged or used for the display and sale of agricultural products primarily grown or produced on the premises upon which such stand is located. A wayside stand may be located on premises that the products are not grown upon provided such premises is owned by the grower.

Wholesale means sales chiefly to retailers, other merchants, industrial and/or commercial users mainly for resale or business use.

Yard means a required open space on a lot unoccupied and unobstructed by any principal structure or portion of a principal structure.

Yard, Front, means the open space extending across the full width of lot between the front lot line and nearest line of the principal building or any enclosed portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line and the nearest point of the building or any enclosed portion thereof.

Yard, Rear, means the open space extending across the full width of lot between the rear line of the lot and the nearest line of the building or any enclosed portion thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building. When the rear lot line is less than ten feet long or if the lot comes to a point at the rear, the depth of the rear yard is measured to an assumed rear lot line as follows, the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said lot line.

Yard, Side, means the open space between the side lot line, the side street line, or the proposed side street line and the principal buildings, or any portion thereof, extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front lot line and/or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the principal building or any portion thereof.

Zone. See the term District.

NOTE: Cross outs are based on comments from the Auburn Planning Board at their October 13, 2015 workshop.

Sec. 60-4. - Zoning districts.

- (a) For the purposes in section 60-3, the use, construction and alteration of buildings and structures and the use and alteration of land in the city are hereby restricted and regulated according to the provisions of this chapter.
- (b) The city is hereby divided into zoning districts designated as follows and more fully described on the official zoning map:

District title	Classification	Short title
Agriculture and Resource Protection	Resource	AG
Low Density Country Residential	Resource/Residential	LDCR
Rural Residence	Residential	RR
Suburban Residence	Residential	SR
Urban Residence	Residential	UR
Multifamily Suburban	Residential	MFS
Multifamily Urban	Residential	MFU
Planned Unit Development	Residential/Commercial	PUD
Downtown Enterprise Zone	Residential/Commercial	DEZ
General Business	Commercial	GB
Neighborhood Business	Commercial	NB
Central Business Form Based Code Regulating Plan	Commercial	CB
Traditional Main Street Neighborhood (Transect 4.1)	Residential/Commercial	<u>T-4.1</u>
Traditional Downtown Neighborhood (Transect 4.2)	Residential/Commercial	<u>T-4.2</u>
Downtown Traditional Center (Transect 5.1)	Residential/Commercial	<u>T-5.1</u>
Downtown City Center (Transect 5.2)	Residential/Commercial	<u>T-5.2</u>
Great Falls Metropolitan (Transect 6)	Residential/Commercial	<u>T-6</u>

Industrial	Industrial	ID
Floodplain Overlay District	Environmental	FPO
Taylor Pond Overlay District	Environmental	TPO
Lake Auburn Watershed Overlay District	Environmental	LAO
Shoreland Overlay District	Environmental	SLO
Manufacturing Housing Overlay District	Residential	МНО

(Ord. of 9-21-2009, § 1.2)

Sec. 60-5. - Zoning map.

- (a) The location and boundaries of the zoning districts and Form Based Code Regulating Plan in section 60-4 are as shown on the map entitled City of Auburn, Maine, Zoning Map, dated March 2001, revised through its current date and revisions, is hereby adopted by reference and declared to be a part of this chapter.
- (b) As zoning district and form based code boundaries are amended from time to time in accordance with article XVII of this chapter, such changes shall be entered on the official zoning map promptly after final approval of the amendment and the date following "revised through" appearing on the map shall be changed to match the effective date of the latest amendment. All previous editions of the zoning map shall thereupon become obsolete, null and void.
- (c) The official zoning map, revised according to the most recent amendment, shall be located in the office of the department of community development and planning and shall be the final authority on current zoning district and form based code locations and boundaries. It shall be the responsibility of the city planning director to see that the official map is kept current and accurate.

(Ord. of 9-21-2009, § 2.2; Ord. No. 13-09062011-05, 9-6-11; Ord. 12-09062011-04, 9-19-2011)

Sec. 60-6. - Zone boundaries.

In the interpretation of the exact boundaries of zoning districts <u>and form based code</u> as shown on the official zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following city or county limits shall be construed as following city or county limits;
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (5) Boundaries indicated as approximately following the centerlines of streams, lakes or other bodies of water shall be construed to follow such centerlines:

- (6) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) of this section indicated on the official zoning map shall be determined by the measurements using the scale of the map;
- (7) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (6) of this section, the planning board shall interpret the zone boundaries.

(Ord. of 9-21-2009, § 1.4)



Sec. 60-35. - Conversion of one-family dwellings.

In all residential, general business and central business form based code districts, one-family dwellings erected prior to January 1, 1958, may be converted to two-family dwellings provided that:

- (1) Any floor space created by additions to the existing structure after January 1, 1958, shall not be converted to a second dwelling.
- (2) There will not be less than one accessible off-street parking place of 200 square feet in area, exclusive of driveways, per dwelling unit resulting from such conversion.
- (3) Stairways leading to any floor above the first floor will be enclosed within the exterior walls of the dwelling and any fire escapes required will be on the rear or one side of the dwelling and not on any wall facing a street.
- (4) After such conversion, the building converted will retain substantially the appearance and character of a one-family dwelling.

(Ord. of 9-21-2009, § 3.1C)



Sec. 60-40. - Reduction in dimensional regulations.

No lot (except as allowed by the planning board at the time of final approval of a subdivision or development plan) shall be reduced, subdivided, conveyed, divided or otherwise transferred that violates, or creates a lot that violates, any minimum or maximum dimensional regulation of this chapter. No building permit or other municipal permit or license shall be issued to any of the land so transferred or to the land retained until all of such land or lots are in conformance with all dimensional regulations. If a serious health or safety issue with the property should arise, the director of planning and permitting services shall determine if a permit should be issued to correct the problem. This provision shall not allow further nonconformity to occur in order to achieve the corrective action necessary. Any land taken by eminent domain or conveyed for a public purpose shall not be deemed in violation of this provision. Any setback or lot that is reduced below the minimum or extended beyond the dimensional requirements as a result of land taken by eminent domain or conveyed for a public purpose shall not be deemed nonconforming. Setbacks for the enlargement of any existing building located on such a lot shall be referenced to the property line as it was located prior to the eminent domain action or the conveyance for a public purpose.

(Ord. of 9-21-2009, § 3.1H)



Sec. 60-47. - Corner lots.

There shall be a front yard along the street line as provided for under yard requirements, front in the district where located. all other yards shall be considered as side yards and measured as provided for under yard requirements, side in the district where located. On corner lots within the Form Based Code Districts, there shall be a Primary Street front yard and a Secondary Street front yard with minimum and maximum building setback requirements. The yard opposite from the Primary Street shall be considered the rear yard while the yard opposite the Secondary Street shall be considered the side yard.

(Ord. of 9-21-2009, § 3.10)



DIVISION 14. - CENTRAL BUSINESS DISTRICT -CITY OF AUBURN FORM BASED CODE

Sec. 60-546. – PURPOSE:

The purpose of the City of Auburn Form Based Code is to

- a) Provide a building development pattern that is based upon the built environment's physical form and its relationship to the Public Realm and the Private Realm.
- b) Allow for a diversity of uses appropriate and compatible to the designated district area
- c) Provide a more accelerated building design, review, approval and construction process.
- d) Deliver a more predictable building development outcome that is consistent with the traditional pedestrian-oriented street-building development pattern. .

Sec. 60-547. – TRANSECTS IN DOWNTOWN AUBURN AND NEW AUBURN (DANA)--- The Form Based Code in Downtown Auburn and New Auburn uses transects as a way to describe the areas to be administered under the Regulating Plan. A Transect is a system of ordering human habitats in a range from the most natural to the most urban. Auburn's transects are organized using 5 Form Based Code Districts:

Transect 4.1,

Transect 4.2,

Transect 5.1,

Transect 5.2 and

Transect 6)

These transects describe the physical character of a place at a certain scale, according to the density and intensity of land use and urbanism.

1

11/5/15

¹ NOTE: All text from the Central Business District has been deleted and replaced with the new Form Based Code

Sec. 60-548 TRADITIONAL MAIN STREET NEIGHBORHOOD T- 4.1



Illustrative View of T- 4.1 (Main Street)

Intent and Purpose: Traditional Main Street Neighborhood (T- 4.1)

The Main Street Neighborhood zone is characterized by a pattern of large, architecturally prominent houses set back from the busy urban neighborhood street by front lawns. Both projecting and recessed front porches serve to form a connection to and relationship with the Public Realm of the street and sidewalk, and the Private Realm of the residential front yard and primary entrance to the building. The minimum & maximum lot widths, building widths and frontage build-out percentage form a lower-density and less concentrated street-wall pattern while maintaining a pleasing, connective and compact pedestrian and multi-modal urban environment.

Sec. 60-548 TRADITIONAL MAIN STREET NEIGHBORHOOD T-4.1



Characteristic Features

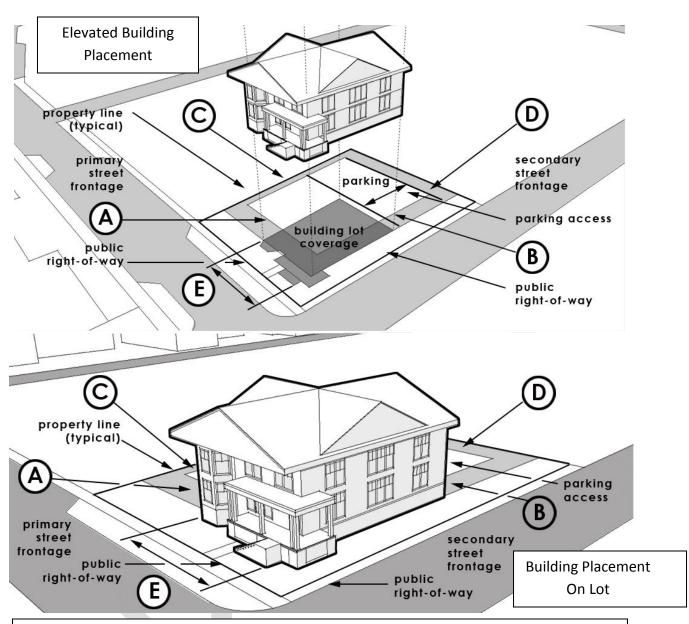
- Front lawns
- Front facade detailing
- Frontage fences
- Porches
- Bay windows
- Foundation planting and yard landscaping
- Street Trees
- Lower Density





Examples of Main Street Neighborhood - T-4.1

Sec. 60-548.1 BUILDING PLACEMENT & CONFIGURATION T- 4.1



PRINCIPAL BUILDING PLACEMENT:

Front Setback, Principal:

(Corner Lot) Front Setback, Secondary:

15 ft Min, 25 ft Max

(B)

Side Setback:

5 ft Min

(C)

Rear Setback:

10 ft Min

(D)

Ruilding Lot Coverage:

60% Max

Building Lot Coverage: 60% Max Useable Open Space: 20% Min

Frontage Build-Out: 40% Min (along Front Setback, Primary)

Lot Width: 24 ft Min, 120 ft Max

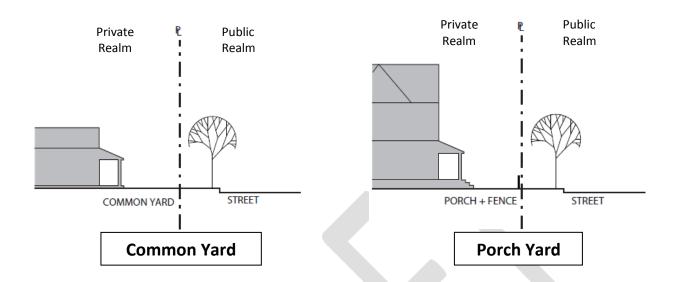
PRINCIPAL BUILDING CONFIGURATION:

Building Width: 14 ft Min, 110 ft Max (E)
Building Height Minimum: 2 Story Min (F)
Building Height Maximum: 2 Story Max (F)
(excluding attic story)

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Sec. 60-548.2 BUILDING FRONTAGES TYPES T- 4.1



BUILDING FRONTAGE TYPES:	Common Yard; Porch Yard
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facades:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	The ground story shall be a minimum of 2 feet and 6 feet maximum above the front yard elevation (average grade).
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

Front Yard Fence:	A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. Chain link, vinyl, split rail, or barbed wire is not allowed.
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum or maximum front setback line.
Porch & Stoop Encroachments:	Porches & Stoops may encroach upon the minimum front setback line by the following distances: Front Setback, Principal Frontage 10 ft. maximum. Front Setback, Secondary Frontage 10 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right of way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	Residential-Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right of way or sidewalk. Commercial- Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right of way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any sidewalk or travel way. Street trees are encouraged.

Sec. 60.549 TRADITIONAL DOWNTOWN NEIGHBORHOOD T-4.2



Illustrative View of T- 4.2 (Spring Street)

Intent and Purpose:

Traditional Downtown Neighborhood (T-4.2)

The Traditional Downtown Neighborhood zone is characterized by a pattern ranging from small to medium sized buildings in a more connective and compact urban environment, and placed to engage in more direct contact between the Public Realm of the street and sidewalk, and the Private Realm of front porches, front stoops and traditional neighborhood-scaled storefronts. The minimum and maximum lot widths, building widths and frontage build-out percentage form a more moderate density and more concentrated street-wall pattern, sustaining increased architectural and social variety, diversity and sidewalk pedestrian vibrancy.

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Sec. 60.549 TRADITIONAL DOWNTOWN NEIGHBORHOOD T- 4.2



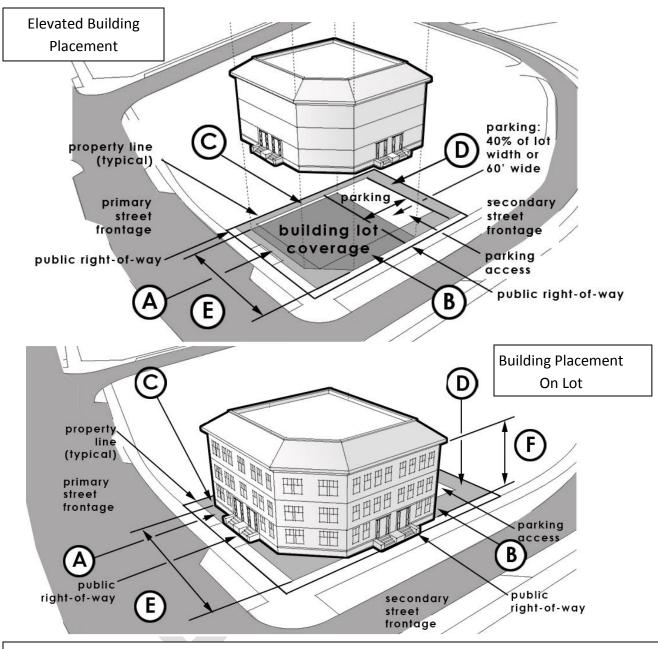




Characteristic Features

- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

Sec. 60-549.1 BUILDING PLACEMENT & CONFIGURATION T-4.2



PRINCIPAL BUILDING PLACEMENT:

Front Setback, Principal: 5 ft Min, 15 ft Max (A) (Corner Lot) Front Setback, Secondary: 5 ft Min, 15 ft Max (B) Side Setback: 5 ft Min (C) Rear Setback: 10 ft Min (D)

Building Lot Coverage: 70% Max Useable Open Space: 10% Min

Frontage Build-Out: 60% Min (along Front Setback, Primary)

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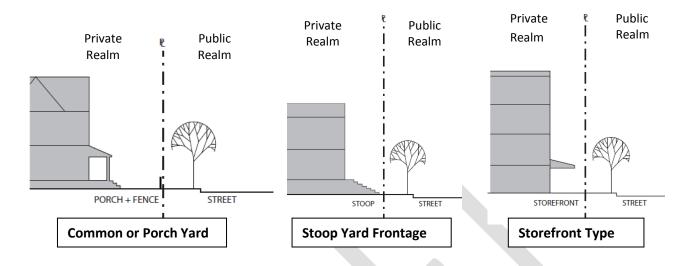
Lot Width: 24 ft Min, 120 ft Max

PRINCIPAL BUILDING CONFIGURATION:

Building Width: 14 ft Min, 110 ft Max (E)
Building Height Minimum: 1 Story Min (F)

Building Height Maximum: 3 Story Max (F) (excluding attic story)

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BUILDING FRONTAGE TYPES:	Common Yard; Porch Yard, Stoop and Storefront
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Residential- Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. Commercial- Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground Story Finished Floor Elevation:	Residential- The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). Commercial- The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

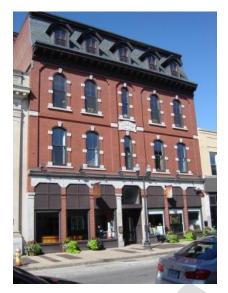
Front Yard Fence:	Residential - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street.
	No chain link, vinyl, split rail, or barbed wire is allowed
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & Stoop Encroachments:	Porches & Stoops may encroach upon the minimum front setback line by the following distances: Front Setback, Principal Frontage 5 ft maximum. Front Setback, Secondary Frontage 5 ft maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right of way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	Residential-Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right of way or sidewalk.
	Commercial- Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right of way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right of way or sidewalk. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.



Illustrative View of T- 5.1 (Future Great Falls Plaza)

Intent and Purpose: Downtown Traditional Center (T- 5.1)

The Downtown Traditional Center zone is characterized by a pattern ranging from medium to larger sized buildings in a more intensely connective and traditionally compact urban environment, and placed to generate constant and direct contact and interplay between the Public Realm of the busy street and large sidewalk, and the Private Realm of the residential building stoops, commercial storefronts and gallery building fronts. The minimum and maximum lot widths, building widths and frontage build-out percentage form a more solid and compact street wall pattern, generating energized, spontaneous and vibrant 18-hour street-life.







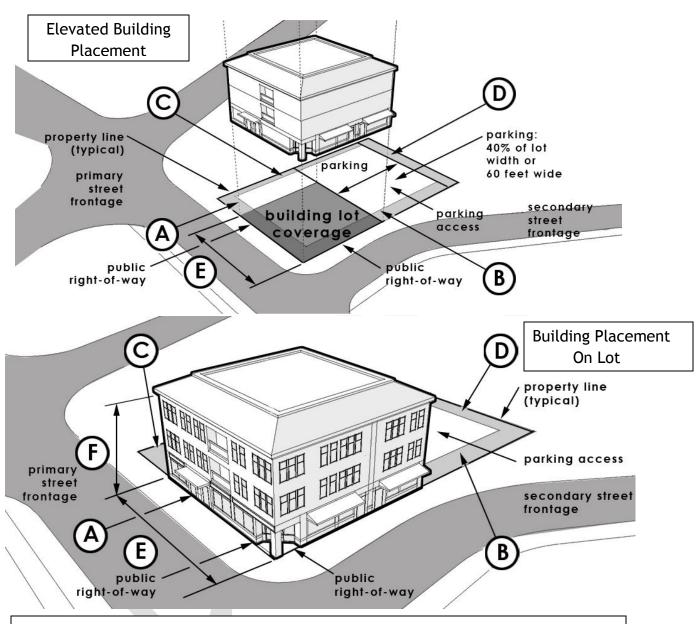
Key Features

- Vibrant and active interaction between public and private realms
- Larger buildings
- Front facade detailing
- Bay windows
- Balconies
- Street trees
- More urban density



Examples of Downtown Traditional Center – T- 5.1

Sec. 60-550.1 BUILDING PLACEMENT & CONFIGURATION T-5.1



PRINCIPAL BUILDING PLACEMENT:

Front Setback, Principal:

(Corner Lot) Front Setback, Secondary:

Oft Min, 10 ft Max

(B)

Side Setback:

5 ft Min

(C)

Rear Setback:

10 ft Min

(D)

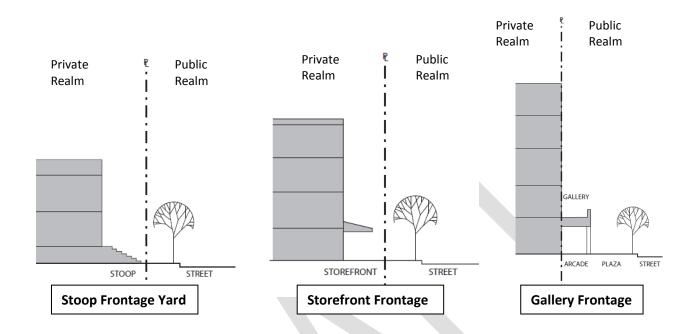
Building Lot Coverage: 75% Max Useable Open Space: 5% Min

Frontage Build-Out: 75% Min (along Front Setback, Primary)

Lot Width: 24 ft Min, 160 ft Max

PRINCIPAL BUILDING CONFIGURATION:

Building Width: 14 ft Min, 150 ft Max (E)
Building Height Minimum: 2 Story Min (F)
Building Height Maximum: 4 Story Max (F)
(excluding attic story)



BUILDING FRONTAGE TYPES:	Stoop, Storefront and Gallery
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	The ground story must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade).
Front Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

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Front Yard Fence:	Residential - A front yard fence a minimum of 2 feet and a maximum of 4	
(Residential)	feet in height is encouraged to maintain spatial edge of street. No chain	
	link, vinyl, split rail, or barbed wire is allowed.	
Street Wall/Wall	A vehicle entry way, as part of a street wall, shall be a maximum width of	
Opening:	20 feet (residential) and 24 feet (commercial); a pedestrian entry way shall	
Opening.	be a maximum width of 6 feet.	
Building	No part of any building, except overhanging eaves, awnings, balconies, bay	
Projections:	windows, stoops and other architectural features shall encroach beyond	
	the minimum front setback line.	
Stoop	Stoops may encroach upon the front setback line by the following distances	
Encroachments:	but not encroach in the street right of way.	
	o ,	
Garages:	Detached garages shall be located a minimum of 20 feet from any street	
	right of way.	
5 .		
Driveways:	Driveways are encouraged to be on the secondary street frontage.	
	Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.	
	20 feet wide.	
Parking:	Residential-Vehicle parking areas shall be located only on driveways or	
	designated parking areas and shall not extend into the street right of way	
	or sidewalk.	
	Commercial- Parking shall be located to rear of the property to the greatest	
	extent possible. Parking on a side yard is limited to no more than 60 feet	
	wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.	
	parking areas along a street.	
Accessory	Accessory structures shall be located a minimum of 20 feet from any street	
Structures:	right of way and 5 feet from either side or rear property line.	
Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or	
	travel way. Street trees are encouraged.	
Foundation	Foundation plantings are encouraged but should be pruned and maintained	
Planting:	with enough clearance from the building facade to encourage air	
	circulation.	

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Illustrative View of T- 5.2 (Court Street)

Intent and Purpose: Downtown City Center (T- 5.2)

The Downtown City Center zone is characterized by a pattern ranging from medium to large sized buildings in an intensely connective and highly compact urban environment, and placed to generate dynamic social, cultural and economic exchange, experiences, encounters and enterprise between the Public Realm of the primary transportation corridors and large sidewalks, and the Private Realm of the large residential and commercial building frontages and blocks. The minimum and maximum lot widths, building widths, frontage build-out percentage, and minimum and maximum building heights form a solid, compact and massive street wall pattern generating strong regional social and economic attraction, urban lifestyle options and urban architectural prestige.



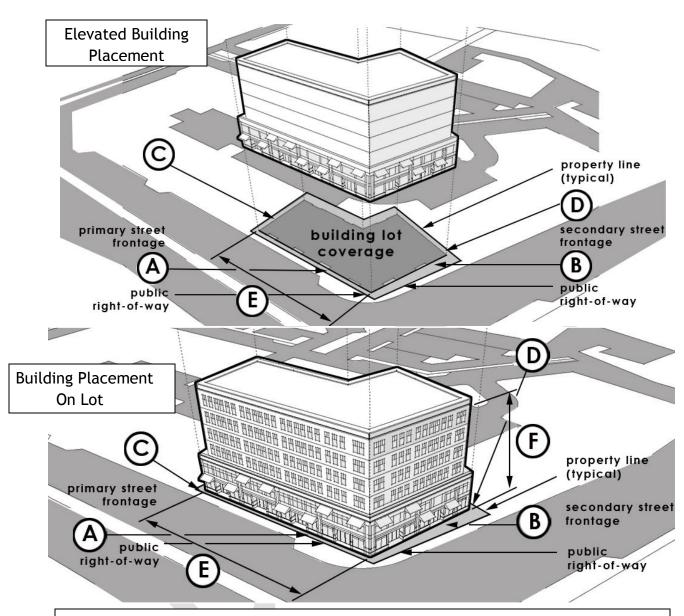
Key Features

- Vibrant street life
- Front facade detailing
- Articulated storefront entrance
- Awnings for storefronts
- Balconies
- Wide sidewalks
- Street Trees
- Compact Urban Environment





Examples of Downtown City Center- T- 5.2



PRINCIPAL BUILDING PLACEMENT:

Front Setback, Principal:

(Corner Lot) Front Setback, Secondary:

Oft Min, 10 ft Max

(B)

Side Setback:

5 ft Min

(C)

Rear Setback:

10 ft Min

(D)

Building Lot Coverage: 80% Max Useable Open Space: 5% Min

Frontage Build-Out: 85% Min (along Front Setback, Primary)

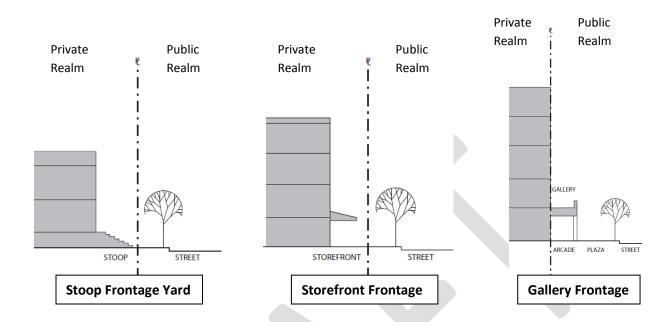
Lot Width: 24 ft Min, 240 ft Max

PRINCIPAL BUILDING CONFIGURATION:

Building Width: 12 ft Min, 230 ft Max (E)
Building Height Minimum: 2 Story Min (F)
Building Height Maximum: 6 Story Max (F)

(excluding attic story)

BUILDING FRONTAGES



BUILDING FRONTAGE TYPES:	Stoop, Storefront and Gallery
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Residential: Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage. Storefront: Windows and doors shall comprise a minimum 60% and maximum 90% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	Residential: Ground story must be a minimum of 2 feet or 6 feet maximum above the average front yard elevation. Storefront: Ground story must be a minimum of at the average sidewalk elevation or a maximum of 2 feet above the front yard elevation.
Front Facade Wall:	Blank lengths of wall exceeding 15 linear feet are prohibited.

Front Yard Fence: (Residential)	A front yard fence a minimum of 3 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street.
Front Yard Fence/Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Required Street Wall Height:	A street wall a minimum of 4 feet and maximum of 6 feet shall be required along the building line frontage that is not otherwise occupied by the principal building on the lot. The height of the street wall shall be measured from the adjacent public sidewalk or from the adjacent ground elevation once construction is complete.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.
Stoop Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right of way.
Parking:	Residential-Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right of way or sidewalk. Commercial- Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.

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Illustrative View of T-6 (Turner Street)

Intent and Purpose: Great Fall Metropolitan (T-6)

The Great Falls Metropolitan zone is characterized by a pattern of large metropolitan buildings placed to contain and define the City of Auburn's emerging preeminent downtown central square, "Great Falls Square" at the intersection of Turner Street & Hampshire Street. Great Falls Square would provide a dominant metropolitan focal point and identifiable urbane center for professional enterprise, institutional concentration, and metropolitan commerce. The Great Falls Metropolitan urban form shall generate strong regional socio-economic gravitational pull, corporate attraction, regional visitor experience, 18-hour social gathering opportunities, and urbane prestige contained within a vibrant downtown destination district.

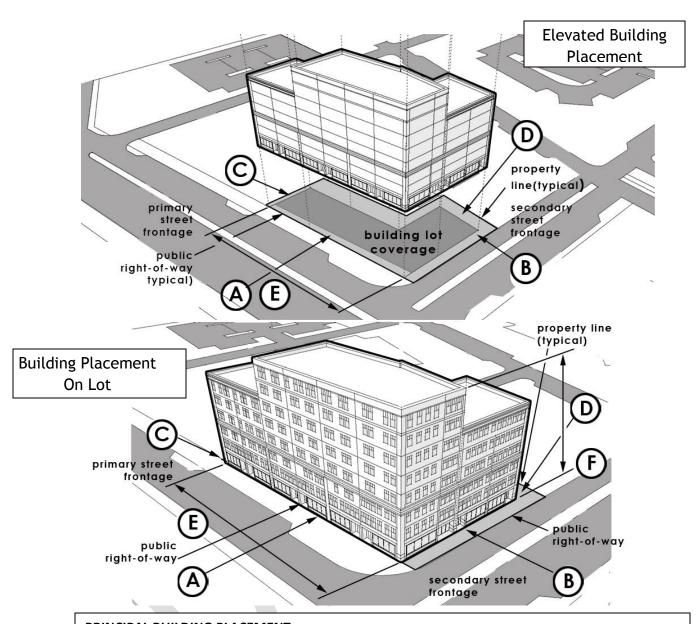
Key Features

- High energy downtown center
- Balconies
- Articulated storefront entrances
- Awnings for storefronts
- Wide sidewalks
- Street trees
- Streetscape elements (benches, planters)
- Transportation hub
- High density





Examples of Great Falls Metropolitan T-6



PRINCIPAL BUILDING PLACEMENT:

Front Setback, Principal: 0 ft Min, 10 ft Max (A) (Corner Lot) Front Setback, Secondary: 0 ft Min, 10 ft Max (B) Side Setback: 5 ft Min (C) Rear Setback: 10 ft Min (D) **Building Lot Coverage:** 90% Max

Useable Open Space: 5% Min Frontage Build-Out: 90% Min (along Front Setback, Primary)

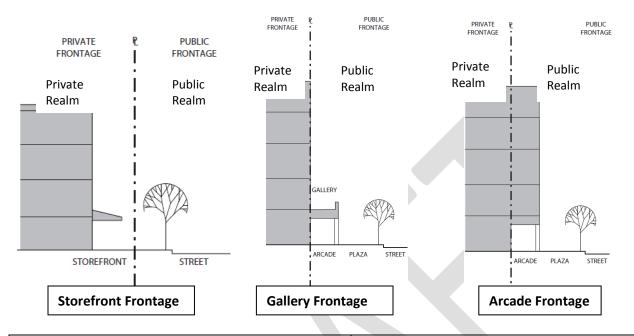
Lot Width: 24 ft Min, 240 ft Max

PRINCIPAL BUILDING CONFIGURATION:

14 ft Min, 230 ft Max **Building Width:** (E) 4 Story Min **Building Height Minimum:** (F) (F) **Building Height Maximum:** 8 Story Max (excluding attic story)

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BUILDING FRONTAGE TYPES:	Storefront, Gallery and Arcade				
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.				
BUILDING ENVELOPE ARTICULATION:					
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum 60% and maximum 90% coverage of the total ground story facade frontage.				
Upper Story Building Frontage Façade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.				
Ground Story Finished Floor Elevation	Must be a minimum of the average sidewalk elevation and maximum of 2 feet.				
Front Facade Wall:	Blank lengths of wall exceeding 15 linear feet are prohibited. Architectural jogs of up to 18 inches in depth are permitted.				

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Street Wall Opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 18 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Required Street Wall Height:	A street wall a minimum of 4 feet and maximum of 6 feet shall be required along the building line frontage that is not otherwise occupied by the principal building on the lot. The height of the street wall shall be measured from the adjacent public sidewalk or from the adjacent ground elevation once construction is complete.
Building Projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.
Stoop Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right of way.
Parking:	Residential-Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right of way or sidewalk. Commercial- Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Landscaping:	Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.

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Sec. 60-554 FORM BASED CODE USE and PARKING MATRIX

* * *

USE	T-4.1	T-4.2	T 5.1	T-5.2	T-6	PARKING REQUIREMENT
Residential Type Use						
Single Family	Р	Р	Р			1 sp/DU
Duplex	Р	Р	Р	Р	Р	1 sp/DU
Townhouse	Р	Р	Р	Р	Р	1 sp/DU
Multi-Family	Р	Р	Р	Р	Р	1 sp/DU plus 1 guest space/4 DU
Bed & Breakfast 4 or less rooms	S	Р	Р	Р	Р	1 sp/employee plus 1 sp/guest
Bed & Breakfast greater than 4 Rooms	S	S	Р	Р	Р	1 sp/employee plus 1 sp/guest
Hotel			S	S	Р	1/2 sp /employee plus 1 sp /room
Elderly/Child Care Facility	S	S	S	S	Р	1/2 sp /employee plus 1 sp/ 8 users
Home Occupation	P	Р	Р	P	P	Based on Use Type
Office/Service Type Use						
Financial/Professional Offices	S	S	Р	Р	Р	1 sp/400 sf
Medical and Dental Clinics	S	S	Р	Р	Р	1 sp./400 sf
Personal Services	P	P	P	Р	Р	1 sp./400 sf
Retail Type Use						
General Retail	S	S	Р	Р	Р	1 sp/400 sf
Age Restricted Retail (1)	S	S	S	S	S	1 sp/400 sf
Specialty Shops	S	P	P	Р	P	1 sp/400 sf
Restaurant up to 30 seats w/16 outdoor		S	Р	Р	Р	1 sp/4 seats
Restaurant over 30 seats w/16 outdoor		S	S	Р	Р	1 sp/4 seats
Halls, Private Clubs, Indoor Amusement	S	S	S	Р	Р	1 sp/400 sf
Artist Studios, Performing Art Center	S	S	Р	Р	P	1 sp/400 sf
Civic						
Places of Worship	S	S	Р	Р	Р	1 sp/5 seats
Government Offices			P	P	' P	1 sp/400 sf
Art Galleries	S	Р	P	P	P	1 sp/400 sf
Transportation Facilities	-		S	S	S	1 sp/400 sf

Notes: (1) Where more than 50% of floor space is devoted to Age Restricted Goods

S = Special Exception

P = Permitted

sp = parking space

sf = square foot of gross floor space

DU = Dwelling Unit

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^{*} Parking requirements in T-5.1, T- 5.2 and T-6 may be provided by the municipality or private parking resources within 1,000 feet of the principal building, subject to Planning Board approval.

Sec. 60-555-558 FORM BASED CODE ADMINISTRATION

Sec. 60-555. Form Based Code Administration-

- A. Form Based Code Relation to Zoning Ordinance
 - 1. The Form Based Code shall regulate areas designated as Form Based Code Districts.
 - 2. All buildings and land uses located within a Form Based Code District shall comply with Sec. 60-33 (General Provisions unless specifically stated otherwise in Sec. 60-546 to 60-558 of the Form Based Code.
 - 3. Site Plan/Special Exception- Any project located within a Form Based Code District that requires special exception or site plan review shall comply with Sec. 60-45.

Sec. 60-556. Form Based Code Plan Types-

A. Administrative Types-

- 1. By Right- No Permits are required for projects such as normal maintenance or for new structures under 200 sq. ft.
- 2. Minor Administrative- Projects that require permits and comply with all Form Based Code or Zoning regulations, may be approved and permitted by the appropriate City Departmental Staff and will not require multiple departmental or Planning Board approval. These projects can be applied for at any time.
- 3. Major Administrative- Projects that do not qualify as a Subdivision, Special Exception or Site Plan Review type plans and comply with all Form Based Code or Zoning regulations, but due to multiple issues, will require review by the multiple City Departmental Staff.
- B. Discretionary Type Plans- The following plan types shall require review and action by the Planning Board.
 - 1. Subdivisions of 3 or more lots over a 5 year period or a project creating more than 3 dwelling units. (Subdivision Review)
 - 2. Any project listed as Special Exception or "S" in Section 60-554, Use and Parking Matrix Chart. (Special Exception and Site Plan Review)
 - 3. Any project within the Form Based Code District proposing a total of 12,000 square feet of new construction, all floors included. (Special Exception and Site Plan Review)
 - 4. Any amendment to an existing discretionary plan that increases existing square footage more than 25%
 - Any project located within the Form Based Code District area that seeks a waiver from the adopted Form Based Code Regulating development standards shall submit

Sec. 60-555-558 FORM BASED CODE ADMINISTRATION

a complete Special Exception and Site Plan Review application for Planning Board review and action.

Sec. 60-557 – Applicability-

- Any Minor, Major Administrative Type Plan and/or Discretionary Plan, as defined in Section 60-556, located within a Form Based Code district, shall be required to submit a Development Review Application prior to any issuance of building permits or development activity.
- Any development activity on or within property located with the Form Based Code
 District shall be reviewed for compliance with applicable Form Based Code or Zoning
 Ordinance regulations.

<u>Sec. 60-558 – Form Based Code Development Application Procedure</u>

A. Administrative Type Plan Application Process-

- 1. Applicant identifies the subject property's zoning/transect district and determines what plan type the project is.
- 2. Applicant reviews the project's compliance for Form Based Code Development Standards Chapters 60-548 through 551; including all sections on Purpose, Building Placement & Configuration, Building Frontages, External Elements, Lot Layout, the Parking & Use Matrix Chart and Administration; along with any other applicable Zoning Ordinance Regulations.
- 3. Pre-Development Consultation- All Administrative Type Plan applicants are encouraged to contact the Auburn Planning Office for a pre-development consultation to confirm the property's Form Based Code or Zoning District and discuss the Form Based Code requirements and related Zoning and/or other regulatory items. Failure to consult with the Planning Office may result in the delay of acceptance, review and approval of the application.
- 4. Any Minor or Major Administrative Plan or Discretionary Plan applicant in a Form Based Code district shall complete and submit a cover letter describing the project, a Development Review Application, a Form Based Code Development Checklist and the appropriate application fee and number of applications to the Planning Office.
- 5. All Form Based Code applications will be reviewed by the Planning Staff for completeness and applicant will be notified within 5 working days if the plan is deemed complete and whether the plan is Administrative or Discretionary. The applicant is responsible for working with the Planning Staff to correct any deficiencies needed to be accepted for further review.

Sec. 60-555-557 FORM BASED CODE ADMINISTRATION

- 6. Type 2 and 3 Administrative Plans will be reviewed by the appropriate City

 Departmental Staff or other relevant agencies who will recommend approving,

 disapproving or postponing to allow for time to correct the application. The Director

 of Planning will notify the applicant of the decision in writing within 15 calendar days

 of its receipt of a completed application.
- 7. The Director of Planning shall have the authority to require an Administrative Plan to be considered by the Planning Board and notify the applicant the justifications for doing so.

B. Discretionary Project Application Process-

- 1. Applicant Identifies Subject Property's Zoning/Transect and determines what plan type the project is.
- 2. Applicant reviews the project's compliance for the applicable Form Based Code Development Standards Chapters 60-548 through 551; including all sections on Purpose, Building Placement & Configuration, Building Frontages, External Elements, Lot Layout, the Parking & Use Matrix Chart and Administration; along with any other applicable Zoning Ordinance Regulations.
- 3. Pre-Development Consultation- All potential development and project applicants are encouraged to contact the Auburn Planning Office for a pre-development consultation to confirm the Form Based Code or Zoning regulations and discuss the form based code requirements and related zoning and/or other regulatory items.

 Failure to consult with the Planning Office may result in the delay of acceptance, review and approval of the application.
- 4. Discretionary Plan applicants will submit; a Development Review Application, a Form

 Based Code Development Checklist the appropriate application fee and number of
 applications to the Planning Office for review and consideration by the Planning
 Board according to their normal submission deadline and meeting schedule.
- 5. Applications not meeting all the requirements of the Form Based Code may include waiver as per Sec. 60-1312 or variance requests as part of their application.

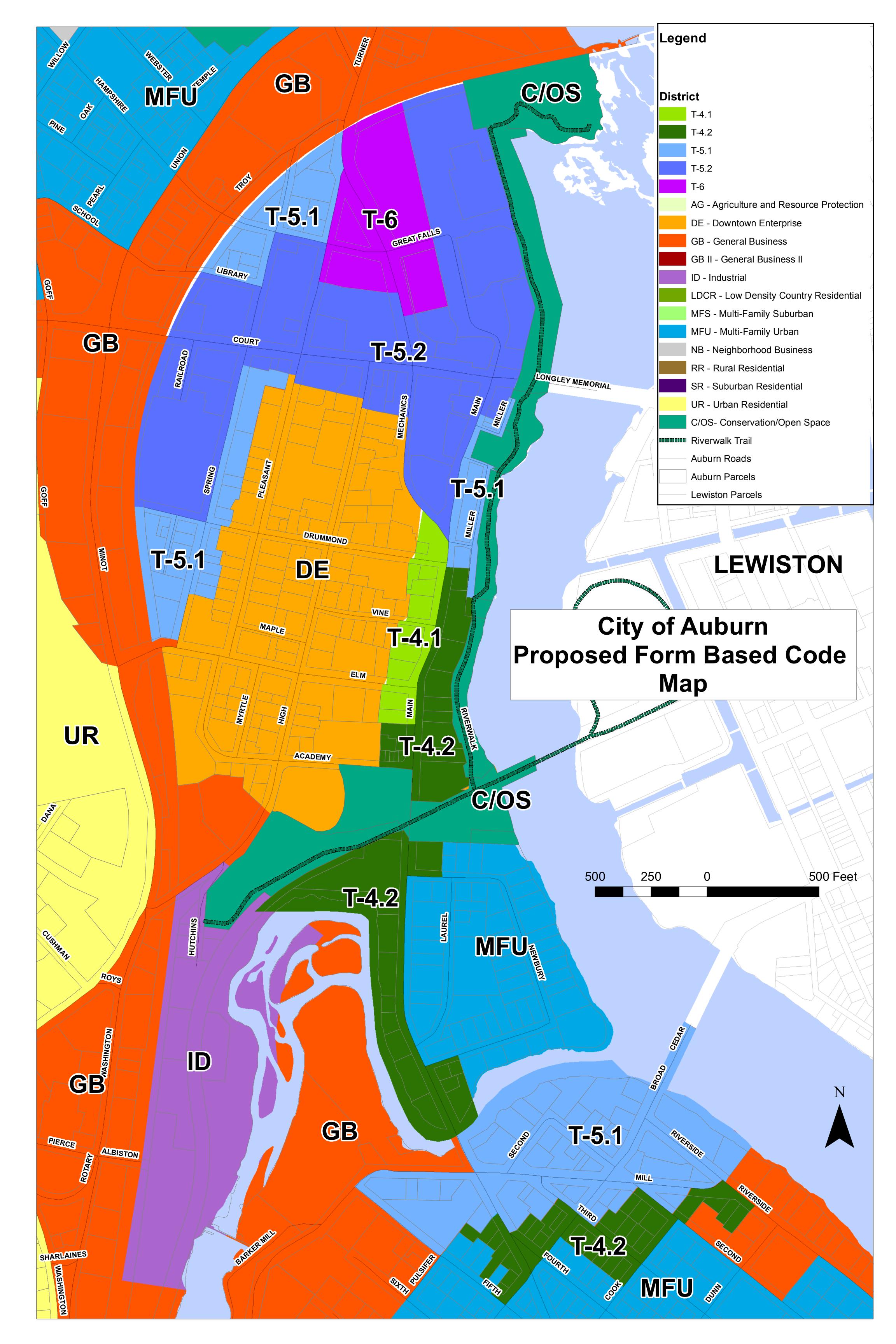
C. Waiver Requests-

1. Any waiver request of Form Based Code standards and requirements must identify what is regulation is being requested for the waiver and include a narrative explaining how the waiver, if approved, will allow the project to meet the purpose of the Form Based Code and the objective of Sec 60-1277, Site Plan Law.

Sec. 60-558 FORM BASED CODE ADMINISTRATION

D. Planning Board Approval-

- 1. The Planning Board shall approve, approve with conditions, disapprove or postpone based on its review of the application meeting all existing requirements, conditions, criteria and provisions of Special Exception, Site Plan Review, Subdivision Law and any other relevant procedural requirement of Chapter 60, Zoning, as part of its consideration of a Form Based Code application.
- 2. The Planning Board shall provide findings for approval or disapproval based on the application's meeting the purpose of the Form Based Code.



DIVISION 4. PLANNING BOARD

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Sec. 2-466. Membership: appointment, removal, terms, vacancies.

Sec. 2-467. Chairperson and vice-chairperson.

Sec. 2-468. Staff secretary: minutes, public records.

Sec. 2-469. Quorum and necessary vote.

Sec. 2-470. Meetings, hearings and procedures.

Sec. 2-471. Workshop or informational meetings.

Sec. 2-472. Record and decisions.

Sec. 2-473. Conflicts.

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Sec. 2-475. Jurisdiction and authority.

Sec. 2-476. Committees.

Secs. 2-477—2-482. Reserved.

Sec. 2-466. Membership: appointment, removal, terms, vacancies.

- (a) There shall be a planning board of seven regular and two associate members. Members of the planning board shall be residents of the city and shall not be officers or employees of the city. Persons appointed by the city council to serve on other boards, agencies, panels, and or commissions shall not serve concurrently on the planning board. Members shall serve without compensation.
- (b) Regular members of the planning board shall be appointed by the city council for terms of three years. Such terms shall be staggered so that the term of not more than three members shall expire in any calendar year. Incumbent members of the planning board shall serve for the balance of their terms and thereafter until their successors are appointed.
- (c) The City Council shall appoint two associate members for a term of three years each. Such terms shall be staggered so that the terms of not more than one associate member, expires in any calendar year. Associate members may participate in deliberations of the Planning Board but shall not vote unless temporarily acting on behalf of a regular member who is absent or has been recused.
- (d) Permanent vacancies on the planning board shall be filled by the city council for the unexpired term of the former member.
- (e) Any member of the planning board may be removed for cause by the city council at any time; provided, however, that before removal such members shall be given an opportunity to be heard in his own defense at a public hearing before the city council.
- (f) The Planning Board may appoint a high school student advisory representative who is a high school student residing in Auburn for a one year term. The student advisory representative may participate in deliberations of the Planning Board but shall not be entitled to vote.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A. 4-16-2013)

DIVISION 4. PLANNING BOARD

Sec. 2-467. Chairperson and vice-chairperson.

The members of the planning board shall annually elect one of the board members as chairperson to preside at all meetings and hearings, and another of their number as vice-chairperson. In the absence of the chairperson, the vice-chairperson shall act as chairperson and shall have all the powers of the chairperson. If no Chairperson or Vice-Chairperson is present or able to preside over an agenda item, the attending members may elect an acting Chairperson.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-468. Staff secretary: minutes, public records.

- (a) The Director of Planning and Development shall designate a member of their staff who shall serve as staff secretary of the planning board and attend all of its proceedings.
- (b) The staff secretary shall provide for the keeping of minutes of the proceedings of the planning board, noting the vote of each member on every question, or the member's absence or failure to vote, and shall maintain the permanent records and decisions of all planning board meetings, hearings, and proceedings and all correspondence of the planning board.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-469. Quorum and necessary vote.

- (a) As to any matter requiring a public hearing, no business shall be transacted by the planning board without a quorum, consisting of four members, being present. The concurring vote of at least four members shall be necessary to authorize any action by the board.
- (b) If less than a quorum is present, the hearing shall be rescheduled. The staff secretary shall notify in writing all members of the date of the reschedule hearing and shall notify such other interested parties as may be directed in the vote to reschedule.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-470. Meetings, hearings and procedures.

- (a) Regular meetings of the planning board shall be held at the call of the chairperson or as provided by rule of the board. Special meetings may be called by any four members of the planning board, or at the request of the city council. Testimony at any hearing may be required by the planning board to be given under oath.
- (b) The planning board shall adopt its own rules for the conduct of its business not inconsistent with this chapter and with state law. Such rules shall be filed with the staff secretary of the planning board and with the city clerk. Any rule so adopted that relates solely to the conduct of hearings, and that is not required by the city council, this chapter or state law, may be waived by the chairperson upon good cause being shown.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

DIVISION 4. PLANNING BOARD

Sec. 2-471. Workshop or informational meetings.

Informal meetings or workshops of the planning board or any of its committees may be held at the call of any of its members or the Director of Planning and Development, as the case may be, for the presentation of information.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-472. Record and decisions.

- (a) The minutes of the staff secretary, and any transcript of the proceedings, and all exhibits, papers, applications and requests filed in any proceeding before the planning board and the decision of the board shall constitute the record.
- (b) Every final decision of the planning board and every recommendation of the planning board to the city council shall include written findings of fact, and shall specify the reason or reasons for such decision or recommendation.
- (c) The staff secretary shall mail notice of any decision of the board to the applicant or any designated interested parties within five business days of such decision.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-473. Conflicts.

No member of the planning board shall participate in the hearing or disposition of any matter in which he or she has an interest. Any question of whether a member has a conflict of interest sufficient to disqualify the member shall be decided by a majority vote of the members present, except the member whose possible conflict is being examined. Where such vote results in a tie, the subject member shall be disqualified.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-474. Appeals.

An appeal from any final decision of the planning board as to any matter over which it has final authority may be taken by any party or by any authorized officer or agent of the city to the superior court.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-475. Jurisdiction and authority.

In addition to the jurisdiction conferred on it by other provisions of state law and the ordinances of the city and in accordance therewith, the planning board shall have the following jurisdiction and authority:

- (1) To prepare and recommend to the city council a comprehensive plan.
- (2) To prepare and recommend to the city council changes in and amendments to the comprehensive plan as necessary.
- (3) To aid and assist the city council and departments and agencies of the city in implementing general plans and in planning, developing and completing specific planning related projects.

DIVISION 4. PLANNING BOARD

- (4) To hear, review, and approve or deny applications for subdivision approval as provided in this Code.
- (5) To hear, review, and offer its recommendations to the city council on applications for zoning changes and amendments to, or revisions of, the city's zoning regulations, and to initiate recommendations for zoning changes and amendments to or revisions of the city's zoning regulations as necessary.
- (6) To review and offer its recommendations to the city council on public planning related projects.
- (7) To offer its recommendations to the city council with regard to the compatibility of the city manager's proposed capital improvements program with the comprehensive plan.
- (8) To make such investigations and compile maps and reports, and recommendations in connection therewith, relating to the planning and development of the city as it deems desirable.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-476. Committees.

The chairperson of the planning board may from time to time assign the members of the board to such regular and special committees as may be established by the board. Such committees shall have no final authority but shall assist the board in the conduct of its business by making recommendations to it concerning such specific items as may be assigned to them for study and report.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013) (NEED TO ADD THE NEW ORDINANCE REFERANCE)

Secs. 2-477—2-482. Reserved.