

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning and Development

To: Auburn Planning Board

From: Douglas M. Greene, AICP, RLA; City Planner 

Date: March 6, 2015

RE: Auburn Form Based Code Draft 2nd Revision

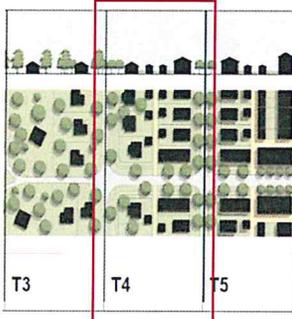
Enclosed is a 2nd revised Draft Form Based Code and associated materials for our meeting on March 10th. This revised draft along with the other material will address some of the issues and questions raised at the February 23rd work session. This month's material includes:

- Revised language for T 4.1 and 4.2 (Note "track changes/strikeout" for T 4.1) Please make sure to bring last month's draft too.
- Definitions of "Building Types".
- A map with average lot dimensions in the proposed T 4.1 area.
- A map showing the existing zoning and the proposed Form Based Code transects (see map),
- Copies of the zoning descriptions for the Central Business District, the General Business (referred to in the Central Business for permitted uses) and the Downtown Enterprise District. Please review these district description and think about what permitted uses you'd like to recommend for the T 4.1 and T 4.2 transects.

(Development Zone Detail)

Traditional Downtown Neighborhood (TDN) T4.1, T4.2

T4.1 Traditional Downtown Neighborhood



Allowed Frontage Types:

- Porch Yard

Allowed Building Types (Allowed Principal Building Forms) / (Accessory Buildings)

- Single Family House
- Single Family Cottage
- Carriage House
- Duplex (side by side)
- Duplex (stacked)
- Duplex (front and back)

Build-To-Layer: 15 ft. minimum, 25 ft. maximum front setback

1. Building Height

- a. The height of the principal building is measured in stories.
- b. Each principal building shall be no greater than (2) stories in height, except as otherwise provided on the Downtown Auburn/New Auburn Regulating Plan.
- c. An attic story shall not count against the maximum story height.

~~2. Parking Structure Height~~

~~Where a parking structure is within 40 feet of any principal building, that portion of the structure shall not exceed the primary building's eave or parapet height.~~

3. Ground Story Height:

- a. The finished floor elevation shall be no less than (3) (2) ft. and no more than (6) ft. above the exterior sidewalk front yard elevation at the building frontage line. ~~elevation at the required building line.~~
- b. The first story shall have an interior clear height (floor to ceiling) of at least (9) (8)ft and a maximum floor to ceiling story height of (46) (14)ft.

4. Upper Story Height

- a. The maximum floor-to-ceiling story height for stories other than the ground story is (12) ft.
- b. At least (80%) of each upper story shall have an interior clear height (floor to ceiling) of at least (9) (8)ft.

5. Mezzanines

~~Mezzanines having a floor area greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as full stories.~~

6. Street Yard Fence

a. A Street Yard Fence not less than (3) ft. in height or greater than (4) ft. in height ~~shall be required (is encouraged)~~ along the private lot line fronting the street on all residential properties in order to spatially maintain the edge of the street. (*See Downtown Auburn Fence Material Standards)

7. Street Façade

a. On each lot the building façade shall be built to the required Build-To-~~Line Layer~~ (BTL) for at least (60%) of the required building line length.

~~b. The building façade shall be built to the required Build-To-Layer (BTL) within (30) ft. of a block corner.~~

c. These portions of the building façade (the required minimum build-to) may include inset jogs of not more than (18) inches in depth except as otherwise provided to allow bay windows, balconies, etc.

8. Buildable Area

a. Buildings may occupy the portion of the lot specified by these building envelope standards.

b. A contiguous open area equal to at least (20%) of the total buildable area shall be preserved on every lot. ~~Such contiguous open area may be located anywhere behind the parking setback, at grade.~~

c. No part of any building, except overhanging eaves, awnings, or balconies shall occupy the remaining lot area.

9. Side Lot Setbacks (Side Lot Lines)

The principal building shall be setback at least (5) ft. from the shared lot line.

10. Garage and Parking

~~a. Garage entries or driveways shall be located at least (50) ft. away from any block corner or another garage entry on the same block, unless otherwise designated on the Downtown Auburn/New Auburn Regulating Plan.~~

b. Garage entries shall have a maximum clear height of (12) ft., and a maximum clear width of (18) ft.

c. Vehicle parking areas on private property shall be located in the rear 50% of the building lot, exclusive of driveways, and except where parking is provided below grade.

d. These requirements are not applicable to on-street parking.

11. Alleys

~~There is no required setback from alleys. On lots having no alley access, there shall be a minimum setback of (10) ft. from the rear lot line.~~

12. Corner Lots

Corner lots shall satisfy the code requirements for the full required building line length – unless otherwise specified in this code.

13. Common Lot Line Treatment

~~a. Privacy fences may be constructed along that portion of a common lot line not otherwise occupied by a building.~~

14. Lot Widths

There shall be a minimum lot width of (50) ft., and a maximum lot width of (150) ft. (Field Measure)

1. Windows and Doors

- a. Blank lengths of wall exceeding (10) linear feet are prohibited on all required building lines.
- b. Windows and Doors on the ground story facades shall comprise at least (25%), but not more than (60%), of the facade area (measured as a percentage of the facade between floor levels).
- c. Windows and Doors on the upper story facades shall comprise at least (20%), but no more than (40%), of the facade area per story (measured as a percentage of the facade between floor levels).

2. Building Projections

- a. Balconies and stoops shall not project closer than (5) ft. to a common lot line.
- b. No part of any building, except overhanging eaves, awnings, balconies, bay windows, as specified by the code, shall encroach beyond the setback lines and front setback layer.

3. Doors/Entries

Functioning entry door(s) shall be provided along ground story facades at intervals not greater than (60) linear ft.

4. Street Walls

A vehicle entry gate no wider than (18) ft. or a pedestrian entry gate no wider than (6) ft. shall be permitted.

5. Ground Story Use

The ground story shall house commercial, professional, or residential uses.

6. Upper Stories

The upper stories shall house residential, professional, and/or commercial uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use.

No commerce use is permitted above a residential use.

Additional habitable space is permitted within the roof where the roof is configured as an attic story.

7. Permitted Uses

a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in _____.

b. Commerce uses shall be considered to encompass all of the Commercial use categories, and all of the Civic use categories except passenger terminals and social service institutions, as defined in _____.

c. Use Standards as stated in Section _____ shall be applicable.

This map was created by Auburn's GIS Department. While every effort has been made to ensure that these data are accurate and reliable, the City of Auburn cannot accept any responsibility for any errors, omissions, or positional accuracy, and therefore, there are no warranties which accompany this product. Users of the information displayed on this map are strongly cautioned to verify all information before making any decisions.

ParcelID	Loc	LUC	YearBuilt	TotalAcr	Primary_St	Secondary
241-003	7 DRUMMOND ST	3	1878	0.06	55.25	51.00
231-016	185 MAIN ST	3	1879	0.10	55.00	51.00
231-015-001	193 MAIN ST	9	1870	0.20	80.00	0.00
231-014	201 MAIN ST	70	1900	0.23	99.00	99.00
231-010	217 MAIN ST	70	1826	0.24	84.00	124.00
231-009	223 MAIN ST	70	1900	0.25	78.50	0.00
231-008	233 MAIN ST	54	1889	0.22	86.50	98.00
231-006	243 MAIN ST	9	1900	0.21	73.70	120.00
231-005	247 MAIN ST	8	1920	0.18	80.00	0.00
				1.69	691.95	543.00
9 Total Lots						
Total Primary St. Frontage		691.95				
Average Primary St. Frontage		76.88				
Total Secondary St. Frontage		543.00				
Average Secondary St. Frontage		60.33				
Average Lot Size		0.18				
Average Lot Square Footage		8179.59				
Land Use Code-						
3		Three Family				
8		Eight Family				
9		Multi-Family				
54		Commercial				
70		Office				



Legend

- T 4.1 Traditional Downtown Neighborhood
- T 4.2 Traditional Downtown Neighborhood



Downtown Auburn Regulating Plan- T-4.1 Lot Study

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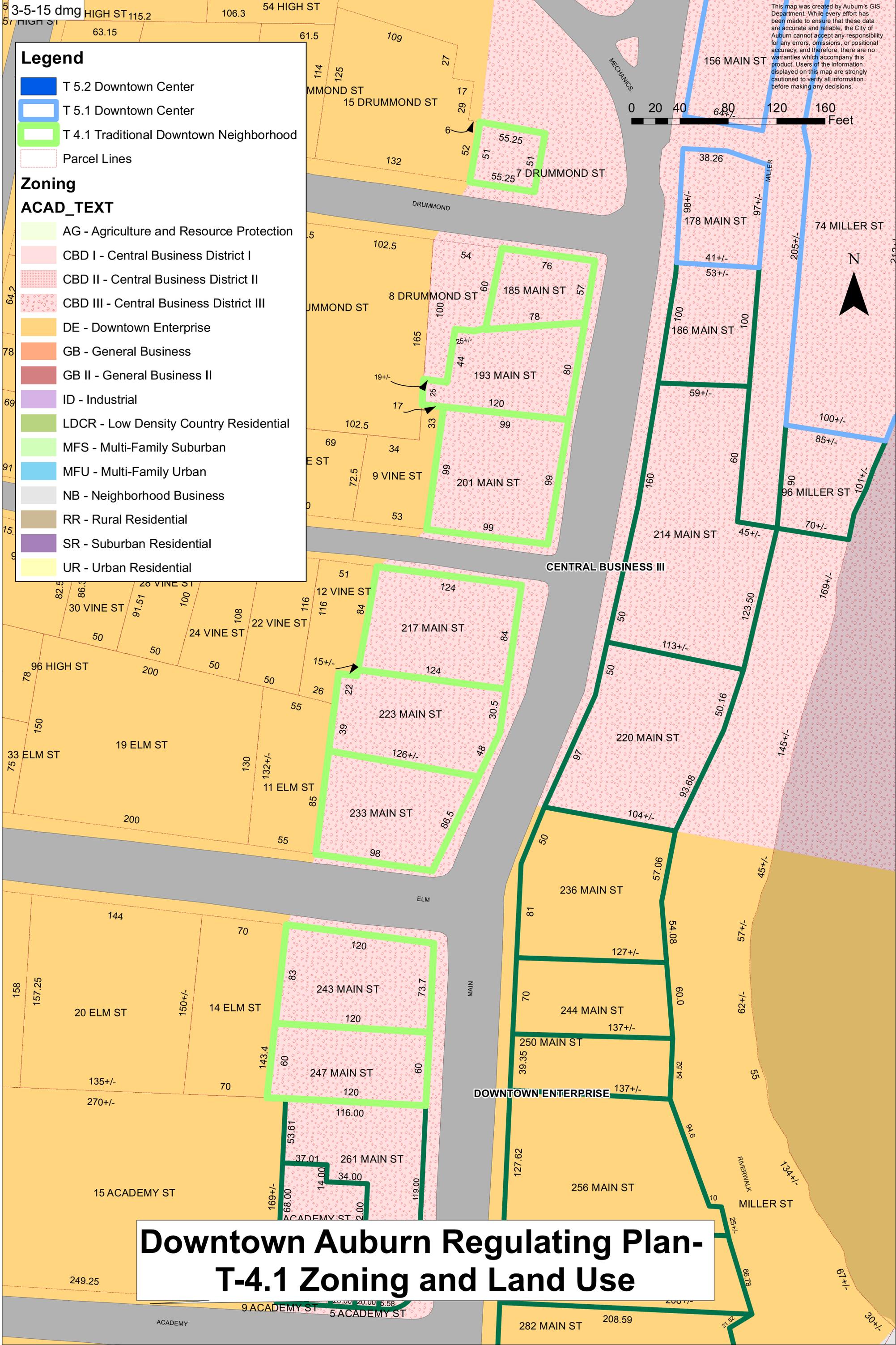
Legend

- T 5.2 Downtown Center
- T 5.1 Downtown Center
- T 4.1 Traditional Downtown Neighborhood
- Parcel Lines

Zoning

ACAD_TEXT

- AG - Agriculture and Resource Protection
- CBD I - Central Business District I
- CBD II - Central Business District II
- CBD III - Central Business District III
- DE - Downtown Enterprise
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- MFU - Multi-Family Urban
- NB - Neighborhood Business
- RR - Rural Residential
- SR - Suburban Residential
- UR - Urban Residential



**Downtown Auburn Regulating Plan-
T-4.1 Zoning and Land Use**

Existing Zoning Districts in the Location of Proposed Downtown Form Base Code Transects

The proposed T 4.1 Transect is currently located in the Central Business II (CBII) District. Note that most of the permitted uses in the CBII district are found in the General Business District (GB), which is located after the CB section. Also included here is the Downtown Enterprise (DE) District which is the current zoning for much of the proposed T 4.2 Transect. Please review these existing uses and consider what uses should be allowed in the proposed Transects.

DIVISION 14. - CENTRAL BUSINESS DISTRICT

Sec. 60-546. - Purpose.

This district is intended to provide for the diversity of uses appropriate and compatible with the city's historic center and central business district. It seeks to preserve and promote the variety of interrelated uses present in or appropriate to the district; a city-wide and regional marketplace, light industry area, medium to high density residential environment and major focus of governmental, civic, meeting, entertainment and culture activity.

(Ord. of 9-21-2009, § 3.69A)

Sec. 60-547. - Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) All uses permitted in General Business (GB) District except warehouses, wholesale offices and animal hospitals.**
- (2) All uses permitted in the Multifamily Urban (MFU) District.
- (3) Delicatessens and similar carry-out restaurants.
- (4) Temporary outdoor places of amusement.

(b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

- (1) Any use permitted by special exception in the General Business (GB) District except: automobile sales lots and service agencies, automobile scrap yards, outdoor theaters, automobile paint and body repair shops, commercial parks and outdoor places of amusement and sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers and machine equipment and carry-out restaurants.
- (2) Any use permitted by special exception in the Multifamily Urban (MFU) District.
- (3) All new construction and expansions of existing buildings. In the review of these developments, the planning board shall consider the development guidelines in section 60-549.
- (4) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under section 60-547(a) which will occupy an area of 5,000 square feet or more.

(Ord. of 9-21-2009, § 3.69B)

Sec. 60-548. - Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

- (1) *Minimum lot width and depth.* No minimums shall be applied to buildings in this district.
- (2) *Density.* Not more than 80 percent of the total lot area shall be covered by buildings.
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of five feet.
 - b. *Side.* All new buildings shall be constructed at least five feet from the side property line unless sharing a common wall with an adjacent building.
 - c. *Front.* There shall be no front yard requirement where adequate sidewalks are available to meet the requirements of this Code regarding design and construction standards for sidewalks and other walkways. Where adequate right-of-way is not available, setbacks necessary to meet the sidewalk requirements referenced above shall be provided.
 - d. *Principal buildings.* More than one principal building may be erected on a lot provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
- (4) *Height.*
 - a. *Central Business District One (CBD I).* All structures shall not exceed 150 feet in height.
 - b. *Central Business District Two (CBD II).* All structures shall not exceed 75 feet in height.
 - c. *Central Business District Three (CBD III).* All structures shall not exceed 45 feet in height.
- (5) *Landscaping.* All lots which are developed or redeveloped shall have the setback areas or other undeveloped space landscaped to the extent possible. Landscaping is considered to be vegetative treatment with trees, shrubs, flowering plants and grass and/or bark mulch. Grass only is not deemed to satisfy this requirement. The continuation of a planting and the use of vegetation which is commonly found in the area shall be encouraged in order to develop a unified plan for the district.
- (6) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.69C; Ord. of 2-16-2010)

Sec. 60-549. - Development guidelines.

- (a) *Purpose.* The purpose of this section is to guide the planning board in the review of new construction and expansion of existing buildings in order to ensure that these developments:
 - (1) Promote and protect the public health, safety, general welfare and amenities through the use of unique and appropriate architectural design;
 - (2) Provide public parking in excess of the required amount;
 - (3) Increase light and air, including view protection and enhancement by providing landscaped roof decks, plazas, public observation decks, low coverage on floors above USGS elevation 200 and appropriate siting of building;
 - (4) Improve pedestrian amenities by means of open arcades, internal arcades, multiple building entrances, access to the riverfront and open space amenities;
 - (5) Provide child care space for children of occupants of commercial buildings located primarily within the CBD districts;
 - (6) Promote cultural or entertainment activities through the provision of space for such endeavors that are centrally located; and
 - (7) Promote the special character of the districts by the use of building materials and design that are consistent with the other developments adjacent to or within the area.

- (b) *Desired public amenities.* The following amenities have been determined to be appropriate to satisfy the objectives of site plan review of developments in the central business district:
- (1) *Building setback of upper floors.* The sides of a building which front on a street shall be setback a minimum of 25 percent of the required lot setback starting at the first floor above 50 feet from the grade of the adjacent street. The setback area shall be unobstructed to the sky and shall extend along the entire length of the building. Where the building is not located parallel to any lot lines, the setbacks shall be measured as appropriate to the specific siting of the building in relation to the lot and streets. A building which maintains at least a 25-foot front yard setback may substitute a distinct architectural horizontal delineation similar to a cornice line at the same height required for the upper floor building setback.
 - (2) *Roof top mechanical equipment.* Equipment should be enclosed or screened so as not to be visible.
 - (3) *Off-street parking.* Parking spaces provided in excess of the required amount, designed for general public use. This amenity is desired to help reduce the parking pressure in the downtown.
 - (4) *Plaza.* A plaza is an area open from the ground to the sky, partially landscaped and/or treated with brick or other decorative material that is directly and conveniently accessible to the general public at all times from a street, permanent and public open space or parking area with a minimum sidewalk width of six feet. The plaza area shall have a minimum entrance width of ten feet and shall be at least 30 feet in its horizontal dimensions. Up to two-thirds of the surface of the plaza area may be occupied by plantings, pools, works of art or similar features and the balance shall be suitable for walking, sitting or similar pursuits.
 - (5) *Observation deck.* The observation deck or similar public space shall be located at or above 100 feet and shall be of sufficient size to accommodate at least 30 people at one time. Such space shall be advertised at ground level and shall be open during normal working hours to the general public without the necessity of their doing business in the building.
 - (6) *Landscaped roof deck.* A roof deck located on a building or part of a building at least 60 feet in height that is not less than 300 square feet in area, open to the sky, accessible and landscaped with grass, trees, bushes or other similar natural vegetation.
 - (7) *Low coverage at upper floors.* Developers are encouraged to reduce coverage on upper floors of buildings in order to reduce the overall bulk of development, increase light and air and to ensure view protection and enhancement.
 - (8) *Siting of buildings.* On large lots where the possibility of multiple locations exists, buildings are desired to be sited so as to provide the greatest view protection of existing city and Lewiston landmarks, the Androscoggin River, the Great Falls and the western hills. Landmarks in the city which shall be protected include those identified in the study prepared by Terrien Architects (4/89). Landmarks in Lewiston include St. Peter and Paul's Cathedral, Davis Mountain, Lewiston City Hall, churches in the Kennedy Park area and the Continental Mill area. In siting a building the long axis shall be oriented in an east-west direction.
 - (9) *Arcade.* An arcade is a continuous area open to a plaza, street, sidewalk or walkway connected to a street or public open space, which is open and unobstructed (except for columns and piers) to a height of not less than 12 feet, is not less than ten feet in clear width for pedestrian movement, extends for the full length of, or at least 25 feet along, the lot line or plaza boundary, whichever is the lesser distance.
 - (10) *Multiple building entrances.* More than one major entrance not associated with an arcade or plaza, to the subject building, open generally to occupants of the building for both entrance and exit and readily identifiable to them is encouraged. All such major entrances shall be accessible from streets or plazas with a minimum width of six feet and shall be located at least 50 feet apart along the building front.

(11) *Day care.* Developers are encouraged to make available ground floor space or space accessible to an outdoor play area for not less than 25 children to a child care operator.

(12) *Internal arcade.*

- a. Internal arcades shall connect:
 1. Two public streets;
 2. A public street to a plaza fronting on another street;
 3. A street and/or plaza fronting on a street to an internal plaza between buildings; or
 4. A street or plaza to a public open space or parking garage.
- b. The arcade shall not be less than:
 1. Ten feet in width if completely separated from sales areas and elevator lobbies;
 2. Ten feet in width plus six feet for each side containing a sales area or elevator entrance opening directly to the arcade.

(13) *Cultural and entertainment activity.* Developers are encouraged to make space available to cultural and/or entertainment activities.

(c) *Administration.* In processing development that requires site plan review, the planning board:

- (1) May require the developer to provide traffic and parking impact studies, drainage impact studies, absorption rate and market analysis studies.
- (2) Shall require architectural renderings of the building elevations and cross-section of the building height.
- (3) May further require architectural renderings with the hills to the west and to landmarks in the city and Lewiston, a study of shade and shadow on adjacent properties, streets and open space, a visual impact assessment, and an analysis of how the development furthers the goals and objectives of the comprehensive plan and, if applicable, the riverfront beautification program.
- (4) May also require massing models and either artistic or photographic simulation of the building from at least three individual vantage points.
- (5) May request that the development be modified to satisfy the goals and objectives found in section 60-549.

In addition to the criteria, the board shall apply all applicable criteria for site plan review, divisions 1 and 2 of article XVI of this chapter.

(Ord. of 9-21-2009, § 3.69D)

DIVISION 12. - GENERAL BUSINESS DISTRICT

Sec. 60-498. - Purpose.

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

(Ord. of 9-21-2009, § 3.62A)

Sec. 60-499. - Use regulation.

(a) *Permitted uses.* The following uses are permitted:

- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 9 of article IV of this chapter).
 - (2) Grocery stores and supermarkets.
 - (3) Clothing stores.
 - (4) Furniture stores.
 - (5) Department stores.
 - (6) Specialty shops.
 - (7) Hotels and motels.
 - (8) Funeral homes and mortuaries.
 - (9) Child day care centers.
 - (10) Medical and dental clinics.
 - (11) Wholesale bakeries.
 - (12) Retail laundries and dry cleaners, but not plants.
 - (13) Banks, business and professional offices.
 - (14) Public transportation passenger offices.
 - (15) Governmental offices.
 - (16) Municipal, civic or public service buildings and other utility facilities.
 - (17) Warehouses, wholesale offices, salesrooms and showrooms.
 - (18) Restaurants, bars, dining rooms or lunchrooms, but not to include drive-in and carry-out restaurants.
 - (19) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
 - (20) Animal hospitals and pet shops, but no kennels.
 - (21) Business equipment repair and business services.
 - (22) Radio and television studios.
 - (23) Printing shops, but not publishing plants.
 - (24) Retail, service, office and commercial uses similar to the foregoing.
 - (25) Carwashes.
 - (26) Accessory uses, building and structures.
 - (27) Shelters for abused persons.
 - (28) Greenhouses and lawn maintenance services.
 - (29) Temporary outdoor places of amusement.
 - (30) Churches and temples.
- (b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:
- (1) Automobile filling stations.
 - (2) Automobile repair and service stations.
 - (3) Automobile and marine sales lots and sales and service agencies.

- (4) Automobile and marine paint and body repair shops.
- (5) Hospitals, care homes, boardinghouses and lodginghouses.
- (6) Research or philanthropic institutions.
- (7) Outdoor theaters.
- (8) Drive-in or carry-out restaurants.
- (9) Commercial parks.
- (10) Sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers, and machine equipment.
- (11) Light industrial plants whose main processes involve assembly of prefabricated parts and which will not create a nuisance by noise, vibration, smoke, odor or appearance.
- (12) Off-street parking as a commercial or municipal use provided that such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same district. The planning board may impose conditions regarding fencing and screening, drainage, ingress and egress, signs and lighting, and total capacity of the parking area as it deems necessary to protect the character of the neighborhood.
- (13) Trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.
- (14) Convenience stores.
- (15) Research, experimental and testing laboratories.
- (16) Landscape services.
- (17) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 5,000 square feet or more.
- (18) Automotive towing and storage.
- (19) Major retail development provided that it meets the conditions noted in section 60-45(g).
- (20) Outpatient addiction treatment clinics.

(Ord. of 9-21-2009, § 3.62B)

Sec. 60-500. - Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

- (1) *Minimum lot width and depth.* No building used for commercial or office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban District (MFS), section 60-307(1).
- (2) *Density.* Not more than 30 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.

- b. *Side.* There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth off front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.
 - d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
 - e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.
 - f. *Open and unbuilt spaces.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials. Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.
- (4) *Height.* No permitted structure shall exceed four stories or 45 feet in height. Religious buildings, municipal buildings or buildings listed by the state historic preservations commis- sion may have a steeple, cupola or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building. In the airport approach zone, Federal Aviation Administration regulations shall apply. Accessory structures, including windmills, that are necessary for the operation of an allowed principal use may exceed the above maximum height requirements, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of the yard required pursuant to this section. In the airport approach zone, Federal Aviation Administration regulations shall apply.
- (5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.62C; Ord. of 3-22-2010)

DIVISION 10. - DOWNTOWN ENTERPRISE ZONE

Sec. 60-439. - Purpose.

To promote the historic, economic, operational, and visual character of the established residential areas within downtown Auburn, by introducing incentives for reinvestment while maintaining the essential physical integrity of the area consistent with Auburn's Downtown Action Plan for Tomorrow.

(Ord. of 9-21-2009, § 3.52A)

Sec. 60-440. - Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-, two- and three-family homes.

- (2) Townhouses.
 - (3) Bed and breakfast homes with four or fewer rooms for rent.
 - (4) Restaurants, diners or cafes with up to 50 seats, but not to include drive-in facilities. An additional 25 outdoor seats may also be permitted subject to all municipal health and safety codes.
 - (5) Artist studios, up to two such studios per building.
 - (6) Art galleries.
 - (7) Performing arts centers owned and operated by a public agency.
 - (8) Antique shops.
 - (9) Clothing stores.
 - (10) Furniture stores.
 - (11) Bookstores.
 - (12) Elderly day care centers.
 - (13) Child day care centers.
 - (14) Medical and dental clinics.
 - (15) Grocery stores, up to 1,000 square feet of gross floor area.
 - (16) Office space, up to 5,000 square feet.
 - (17) Retail bakeries.
 - (18) Specialty shops.
 - (19) Accessory uses and structures commonly associated with the uses in this subsection (a).
 - (20) Municipal uses and government buildings.
- (b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:
- (1) Apartment buildings of four or more dwelling units.
 - (2) Bed and breakfast inn with five, but not more than ten rooms for rent.
 - (3) Restaurants, dining rooms or lunchrooms with more than 50 seats, but not to include drive-in facilities. Up to 25 outdoor seats may also be permitted subject to all municipal health and safety codes.
 - (4) Artist studios, more than two such studios per building but not more than four.
 - (5) Research or philanthropic institutions.
 - (6) Performing arts centers owned and operated by nonprofit and for-profit entities.
 - (7) Places of worship such as temples, churches or mosques.

(Ord. of 9-21-2009, § 3.52B)

Sec. 60-441. - Dimensional regulations.

All new structures in this district shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* For each building erected, there shall be provided lot areas as follows:
 - a. Buildings housing one family: 5,000 square feet of lot area, not less than 50 feet in width and 100 feet in depth.

- b. Buildings housing two families: 7,500 square feet minimum lot area, not less than 50 feet in width and 100 feet in depth.
 - c. Buildings housing three families: 10,000 square feet minimum lot area, not less than 50 feet in width and 100 feet in depth.
 - d. Townhouses: 5,000 square feet minimum lot area, 5,000 square feet of lot area plus 1,500 square feet minimum lot area per dwelling and not less than 50 feet in width and 100 feet in depth.
 - e. Multifamily buildings: 10,000 square feet of lot area for the first dwelling unit, and 2,000 square feet of lot area for each additional dwelling unit; no lot shall be less than 100 feet in width and 100 feet in depth.
 - f. Commercial building: 10,000 square feet of lot area, not less than 100 feet in width and 100 feet in depth.
 - g. Mixed-use building: 5,000 square feet of lot area, not less than 50 feet in width and 100 feet in depth if at least 50 percent of the total building area is used for residential living space.
- (2) *Maximum lot coverage.* For each new building erected, the maximum combined lot area for the building and all parking areas shall not exceed 75 percent of the total lot area for commercial and 65 percent for residential.
- (3) *Yard requirements.*
- a. *Rear.* There shall be a rear yard of 25 feet or 25 percent of the average depth of the lot, whichever is less for all structures.
 - b. *Side.* There shall be a minimum distance of five feet between any portion of a building and the side property line for all structures.
 - c. *Front.* There shall be a minimum front yard of ten feet.
 - d. *Principal building.* More than one principal building may be erected on a lot provided all yard requirements listed in this subsection (3) are met.
- (4) *Height.* The height of all structures shall be limited to 4½ stories or 45 feet. Religious and municipal buildings may have a steeple or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building.
- (5) *Parking and loading.* All uses shall be subject to the off-street parking and loading regulations as listed in this subsection (5). Sections 60-607(7), (8), (12) and (15) shall also be followed.
- a. For all uses, no portion of the front yard, other than driveways, shall be used for off-street parking.
 - b. One-unit dwellings: two spaces; two- and three-unit dwellings: one space per unit.
 - c. Residential artist studio: one space for one- and two-bedroom units; two spaces for residential artist studio with three or more bedrooms.
 - d. Townhouses: one space per unit.
 - e. Multifamily buildings: same as townhouses.
 - f. Retail businesses: one space per 400 feet of net floor area.
 - g. Office uses: one space per 400 feet of net floor area.
 - h. Medical or dental clinics: one space per 200 feet of net floor area.
 - i. Restaurants, cafes and diners: one space per four seats or bench equivalent capacity.
 - j. Off-street parking provided as a private or municipal facility, within 500 feet of any use allowed in the DEZ may be included in the calculation of off-street parking requirements, if

written documentation is provided indicating the permanent availability of off-street parking for the use in question. Parking areas may or may not be within the same zoning district.

- k. One parking space may be eliminated from the total off-street parking requirement if two trees and flowering shrubs (or similar planting scheme) are provided and maintained along the lot frontage or within the lot so as to minimize views of the parking area and/or improve the streetscape.
- l. One parking space may be eliminated from the total off-street parking requirement if a publicly accessible walkway is provide connecting two streets in the instance where a lot has the minimum required frontage on two parallel streets or where the lots are back to back and have the minimum required frontage on two parallel streets.
- m. One parking space may be eliminated from the total off-street parking requirement if a significant and permanent public art contribution is provided.
- n. Subsections (5)j, k, and l of this section may be combined resulting in a reduction of up to two parking spaces. A developer shall be eligible for parking reductions in subsections (5)k, l, and m of this section if all requirements in the subsections are met and the proposal has been reviewed by the city planning department.
- o. For projects subject to special exception review, the planning board may reduce the total required off-street parking by up to 30 percent. Off-street parking is required to be met on site to the extent practicable based on the characteristics and use of the property. On-street parking may be allowed within 500 feet if no other off-street parking is available, subject to the approval of the community development department.

(Ord. of 9-21-2009, § 3.52C)

Sec. 60-442. - Development review.

- (a) Expansions of existing buildings or new construction in excess of 1,000 square feet shall be subject to the site plan review, division 2 of article XVI of this chapter. Projects of less than 1,000 square feet shall be reviewed by the community development department for a determination of consistency with the intent and standards of this chapter.
- (b) The following requirements and those of division 2 of article XVI of this chapter are intended to foster safe and effective site plans that will result in projects that are consistent with the size and scale of the surrounding neighborhoods, and the use of materials or design treatments that protect and highlight the architectural and historic qualities of the area:
 - (1) All off-street parking areas shall be screened by plantings, wood fencing or a combination of both.
 - (2) All lighting shall fall within the lot from which it emanates, and all lighting fixtures shall be in compliance with lighting and fixture standards approved by the planning board or the community development department.
 - (3) All dumpsters or trash receptacles of any kind shall not be permitted in any portion of the front yard setback, and all said facilities shall be screened from public view.
 - (4) Renovation of structures listed on federal, state or local historic registers shall be consistent, at a minimum, with standards adopted by the state office of historic preservation, common preservation practices, and additional standards which, from time to time, may be adopted or amended by the city.
 - (5) If not previously existing, at least one tree per 50 feet of frontage shall be required for all development. Said tree shall have a trunk diameter of at least three inches, measured six inches above planting grade.

(Ord. of 9-21-2009, § 3.52D)

Sec. 60-443. - Signs.

All signs shall be subject to the regulations contained in article VI of this chapter except for the following:

- (1) All uses shall be limited to externally illuminated signs.
- (2) Standing signs shall not exceed 12 square feet in area. The maximum height shall not exceed six feet above grade. If employed, a standing sign shall be the only sign permitted except for window signs. See subsection (4) of this section.
- (3) Signs for all commercial activities, attached to the premises which they advertise, shall not exceed 16 square feet.
- (4) Signs attached perpendicular to a building shall be permitted and shall have a maximum area of 12 square feet. Signs shall not extend more than four feet from the building to which they are attached. Further, the lowest portion of the sign shall be seven feet above grade and the highest portion not more than 15 feet above grade. Height minimums and maximums can be altered by the planning board if it is determined an alternate sign location is required by the building configuration, building material, design consistency in the immediate neighborhood, or to protect historic buildings or facades.
- (5) Roof signs, internally lighted signs, automatically changing signs and signs or advertising on canopies are prohibited.
- (6) Fees. All fees found in appendix A of this Code, shall not apply to developments found in this division.

(Ord. of 9-21-2009, § 3.52E; Ord. of 9-21-2009, § 3.52F)