

DIVISION 15. - INDUSTRIAL DISTRICT

Sec. 60-578. - Use regulations.

- (a) *Permitted uses.* The following uses are permitted, provided that the use proposed will not be noxious, offensive or detrimental to the neighborhood or to the city by reason of danger of fire or explosion; pollution of waterways or groundwater; vibration; emission of corrosive, toxic or unhealthful fumes, gas, smoke, soot obnoxious dust, disagreeable odors, offensive noises or other objectionable characteristics:
- (1) Farming of field crops, row crops, orchards and truck gardens.
 - (2) Plant and tree nurseries, wholesale nurseries, landscape services and greenhouses; on-premises sales permitted.
 - (3) Farm dwellings on premises actively farmed.
 - (4) Financial institutions.
 - (5) Office buildings.
 - (6) Post offices.
 - (7) Telephone exchanges or telephone business offices.
 - (8) Public transportation passenger stations.
 - (9) Churches or temples.
 - (10) Municipal uses buildings.
 - (11) Airports.
 - (12) Wholesale businesses, warehouses, trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious material.
 - (13) Manufacture, compounding, processing or packaging of foods and food products, except uses approved by resolution of the city council allowing review and recommendation of the planning board in the same manner as a special exception.
 - (14) Manufacture, compounding or assembling of articles using the following prepared materials: bone or shell, cellophane, fur, glass, leather, plastics, precious or semi-precious metals or stones, rubber textiles or cloth products, tobacco, or wood, bark or wood products.
 - (15) Manufacture of ceramic products, brick and cinder blocks.
 - (16) Manufacture or assembling from prepared material of the following: musical instruments, clocks or watches, toys or novelties, electrical devices, light sheet metal products, office equipment.
 - (17) Building material sales yard and contractor's equipment storage yard and plant.
 - (18) Research, experimental or testing laboratories.
 - (19) Lumber yard, including planning, milling and other processing.
 - (20) Ice manufacturing and storage plant.
 - (21) Beverage bottling plants.
 - (22) Public utilities uses, such as electric substations, storage of material and trucks, repair facilities, offices and electric generating plants including ground-mounted and dual use Solar Energy Generating Systems less than one acre in total land area.
 - (23) Accessory uses and buildings, including but not limited to:
 - a. Retail sales of products manufactured on premises.
 - b. Dwellings used as living quarters for caretakers or watchmen and their families.
 - c. Storage boxes or space trailers as defined in section 60-666(12) used for the storage of nonhazardous material by the commercial or industrial use which occupies the property.
 - (24) Training schools.
 - (25) Uses similar to those in this subsection (a) and not elsewhere named in the following subsections, provided that the use will not be noxious.

- (26) Any new or existing building proposed as a complex of three or more business and/or offices provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.
 - (27) Adult use and medical marijuana cultivation, manufacturing and testing facilities subject to the requirements of chapter 11, article 14 of the City of Auburn Ordinances.
 - (28) Adult use and medical marijuana stores subject to the requirements of chapter 11, article 14 of the City of Auburn Ordinances, provided that the store is located on the same parcel of land as a marijuana cultivation facility or marijuana manufacturing facility.
- (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; upon determination that such a use will not unduly disturb or harmfully influence other uses in the areas adjoining:
- (1) Uses similar to those found in subsection (a) of this section and not elsewhere named in the following subsection; that in the determination of the municipal officer charged with enforcement do not meet the requirements subsection (a) of this section.
 - (2) Automobile filling stations.
 - (3) Automobile and marine repair and service stations, automobile and marine paint and body repair shops.
 - (4) Restaurants and diners, including drive-in and carry-out restaurants.
 - (5) Retail food stores.
 - (6) Microwave, radio, radar, television or radio-telephone transmitting or broadcasting towers, including studios or offices for such transmitting or broadcasting, provided that:
 - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than 1½ times its height from the nearest property line.
 - (7) Motels and hotels.
 - (8) Automobile scrap yards.
 - (9) Off-street parking accessory, to a permitted use whether or not located on the same lot.
 - (10) Outdoor advertising.
 - (11) Junkyard.
 - (12) Airplane manufacture or assembly.
 - (13) Alcohol, methanol, or ethanol manufacture.
 - (14) Automobile or automotive manufacture or assembly.
 - (15) Brewery or distillery.
 - (16) Manufacture, or bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.
 - (17) Machinery and machine tool manufacture.
 - (18) Metal fabrication plant.
 - (19) Municipal incinerator or sewage treatment plant.
 - (20) Manufacture of cosmetics, toiletries and pharmaceuticals.
 - (21) Asphalt batching plant.
 - (22) Grain processing and storage.
 - (23) Concrete or cement products manufacture.
 - (24) Coal distillation and derivation of coal products.
 - (25) Iron or steel foundry.
 - (26) Meat products manufacture.
 - (27) Packinghouse, including meat and poultry canning and curing, processing or freezing.
 - (28) Plastic and pyroxylin manufacture.
 - (29) Uses similar to the uses of this section and not elsewhere named in the following subsections.

- (30) Accessory uses building and structures, including but not limited to:
 - a. Retail sales of products manufactured on the premises and products accessory to the industry.
 - b. A single dwelling unit for security personnel. Such dwelling unit shall be located in the principal building.
- (31) Hospital.
- (32) Automobile and marine sales lots and agencies.
- (33) Child day care centers over 5,000 square feet (building area).
- (34) Outpatient addiction treatment clinics.
- (35) Any new building of 10,000 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 10,000 square feet or more.
- (36) Adaptive reuse of structures of community significance.
- (37) Ground-Mounted and Dual-Use Solar Energy Generating Systems greater than one acre in total land area.

Chapter 60, Article XVIII (NEW ARTICLE) Solar Energy Generating Systems.

Sec. 60-1425. – Definitions

Abandonment: The date at which a CSEGS has been out of service for a continuous period of 12 months.

“Dual-Use Systems”: Solar energy systems where photo-voltaic panels are attached to structures or buildings without any impact on the primary use (E.g. photo-voltaic panels on structures cantilevered over parked cars or benches; solar panels located on a piece of infrastructure such as a sign or light). These tend to include “emerging technologies” and are considered to require site plan review as they could be extensive in ground coverage or size.

Ground mounted solar energy generating system (also known as free-standing solar energy systems): A solar energy system that is structurally mounted to the ground. The panels may be stationary or revolving and of any size.

Operations and Maintenance Plan: A plan outlining the operations and maintenance of a solar energy system, to include safety measures and procedures for maintenance.

Roof Mounted and Building integrated solar energy generating systems: A solar energy system in which solar panels are mounted on top of the roof of a structure either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle. The definition also includes a solar energy system that is an integral part of a principal or accessory building and include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights and awnings.

Solar Access: Space open to the sun and clear of overhangs or shade, including orientation of streets and lots to the sun, so as to permit the use of active and/or passive CSEGS on individual properties.

Solar Energy Generating System: A complete assembly consisting of one or more solar collectors and associated mounting hardware or equipment, intended to provide for the collection, storage and distribution of solar energy for heating or cooling, electricity generation, or solar/thermal hot water systems, these may be ground-mounted, dual-use, roof-mounted and building-integrated systems.

Total height of solar energy system: The total vertical distance as measured from the average elevation of the finished grade adjacent to the fixed base of the support structure, to the highest part of the system.

Total rated capacity: The maximum rated output of electrical power production of the photovoltaic system in watts of Direct Current (DC).

Sec. 60-1426. – Purpose.

The purpose of this section is to allow for the construction and operation of private and public Solar Energy Generating Systems (SEGS) designed to produce energy for use on site or off site, by establishing appropriate standards to ensure safe, effective and efficient use of solar energy systems compatible with surrounding uses.

Sec. 60-1427. – Applicability.

This section shall apply to all SEGS except the following:

- a. SEGS for municipal use.
- b. Building Integrated and Roof-Mounted SEGS which are permitted by right in all Zoning Districts.
- c. Non-Structural maintenance, like-kind repair or reconstruction of equipment, provided that it does not constitute an expansion of a SEGS and there is no change in the land area or location of the system and its associated equipment.
- d. Ground-Mounted SEGS intended to satisfy the electricity needs of the principal use of the lot.

Sec. 60-1428. – Administrative Procedures.

- (a) The installation of ground-mounted and dual-use SEGS or devices occupying greater than 1 acre in land area shall be permitted by special exception in the Industrial District after approval by the Planning Board in accordance with the provisions of division 2 of article XVI of this chapter as well as the supplemental provisions described in these regulations.
- (b) Unless subject to the provisions of subsection (a) of this section or listed as an exempt activity in Sec. 60-1427, any other SEGS, including the replacement and repair of equipment, physical modifications to an existing and permitted SEGS provided they do not alter the land area or location of the system and its associated equipment shall be permitted by right in the Industrial District subject to review and approval in accordance with these regulations.

Sec. 60-1429. – Application Requirements.

- (a) *SEGS permitted by special exception.* In addition to the submission requirements of site plan review, an application for a SEGS permitted as a special exception shall contain the following information:
 - (1) All SEGS permitted by Special Exception shall be subject to the Special Exception and Site Plan Review procedures specified in Article XVI, Divisions 2 and 3 of this chapter.
 - (2) A narrative describing the proposed SEGS, including an overview of the project; the project location; the total rated capacity of the solar energy system; dimensions of all components and respective manufacturers; and a description of associated facilities and how the system and associated facilities comply with the standards of this ordinance.
 - (3) An accurate scaled site plan of the subject property showing the planned location of the proposed SEGS and all associated facilities; property lines, adjoining streets and access; topographic contour lines; existing and proposed buildings; fencing; structures; potential shade from nearby trees and structures; vegetation; driveways, parking and curb cuts on the subject property; specifications for all proposed electrical cabling/transmission lines, accessor equipment and landscaping, including the tallest finished height of the solar collectors and name, address, phone number and signature of the project proponent, as well as co-

proponents or property owners, if any, the names, contact information and signature of any agents representing the project proponent. The site plan shall show any proposed off-site modifications to provide grid connections, access the installation, or to maintain the proposed solar energy system.

- (4) Information on any connections to the grid including evidence of meeting the local electric utility's transmission and distribution interconnection requirements (this may be a condition of approval if a copy of the application for interconnection with the electric utility provider is submitted).
- (5) Documentation that the solar generation equipment has been approved under the UL certification program and that the system complies with all applicable local, state and federal codes/regulations with the standards regarding signal interference. Electrical component and connection information shall be in sufficient detail to allow for a determination that it meets Maine electrical codes.

(b) SEGS permitted by right. An application for a SEGS that is permitted by right as described in Section 60-1428(b) shall contain the following information:

Looking for feedback from the Planning Board on the types of standards that should be required for SEGS that are (for example):

- Ground-Mounted systems less than 1 acre in total land area in the Industrial District which are not intended to serve the electricity needs of the primary structure or
- Physical Modifications to already approved solar installations that do not alter the land area or system location.

These types of projects would be reviewed administratively, what types of standards should apply to them? Safety/buffering/access?

Sec. 60-1430. – Approval.

(a) *SEGS permitted by special exception.* The planning board is authorized to retain experts at the applicant's expense to evaluate technical information or conduct studies that it finds necessary in order to determine whether these standards will be met. In addition to the criteria in sections 60-1304 and 60-1336, the planning board shall consider the following standards:

(1) *Yard requirements.*

- (a) All proposed ground-mounted and dual-use SEGS installations which will abut the side or rear lot line of a lot in a residential district or use shall be screened from said lot or use by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart. The minimum width of the screened buffer line shall be 30 feet.
- (b) Side and rear lot lines between nonresidential uses shall be planted with evergreen trees in the same manner as subsection (1)a of this section, except the width of the screened buffer line shall not be less than 15 feet.

(2) *Lot Coverage.* SEGS shall not be included in calculations for lot coverage as defined in section 60-579(2).

(3) *Technical and Safety.* A copy of the As-Built Site Plan for the SEGS shall be provided to the local Fire Prevention Officer. All means of shutting down the SEGS shall be clearly marked.

(4) *Maintenance.* The Owner or Operator of the SEGS shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs and integrity of security measures. Site access shall be maintained to a level acceptable by the local Fire Prevention Officer. The owner or operator shall be responsible for the cost of maintaining the SEGS and any access road(s), unless accepted as a public way.

- (5) *Glare*. Solar panels are designed to absorb (not reflect) sunlight and are generally less reflective than other varnished or glass exterior materials. However, solar panel placement should minimize or negate any solar glare impacting nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar energy system.
 - (6) *Solar Access*. All applicants are encouraged to ensure the maximum solar energy generation from their system by obtaining solar access easements, where necessary. Solar access easements may be filed consistent with Maine State Law. Any property owner may purchase an easement across nearby properties to protect access to sunlight. The easement would be purchased or granted by owners of nearby properties and can apply to buildings, trees, or other structures that would diminish solar access.
 - (7) *Visual Impact*. Reasonable efforts, as determined by the Planning Board, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures.
 - (8) *Lighting*. Ground-mounted solar energy systems lighting shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
 - (9) In unbuilt areas, where possible, SEGS installations shall maintain the permeability of the ground. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the SEGS or as otherwise prescribed by applicable laws, regulations and bylaws/ordinances.
 - (10) *Operation & Maintenance Plan*. The project proponent shall submit a plan for the operation and maintenance of ground-mounted and dual-use solar energy systems, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
- (b) *SEGS permitted by right*. An application for a SEGS permitted by right shall require review and approval by a review committee consisting of the City Planner, City Engineer, Fire Department and a representative of Lewiston-Auburn 911 committee.

Sec. 60-1431. – Abandonment.

- (a) *Abandonment and Removal of Ground Mounted and Dual Use Solar Energy Systems*.
 1. The Owner and Operator shall, at their expense, complete the removal of the solar energy system within 6 months of the end of the useful life of the solar energy system or within 6 months of the date of abandonment.
 2. The City shall revoke any approvals and/or pursue removal of the solar energy system at the Owner and Operator’s expense in the following circumstances:
 - a. The solar energy system is not installed and functioning within 12-months from the date of approval under this ordinance; or
 - b. The solar energy system is at any time left in an unsafe condition in respect to federal, state or local safety standards (as determined by the City); or
 - c. The solar energy system has not been brought back to a safe condition/operation or removed from the site within required timeframe; or
 - d. The solar energy system is defective or abandoned and not been removed from the site within required timeframe.

Sec. 60-1432. – Appeals.

- (a) An appeal from a decision of the planning board on a SEGS permitted by special exception shall be in accordance with the provisions of division 4 of article XVI of this chapter.
- (b) An appeal from a decision of the staff review committee on a SEGS permitted by right shall be to the board of appeals. The board of appeals is authorized to retain experts at the applicant's expense to evaluate technical information or conduct studies that the board of appeals determines may be necessary in order to render a decision on the appeal.

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