



**City Council Special Meeting
Agenda
February 17, 2023
Auburn Hall, Council Chambers**

5:30 P.M. City Council Meeting - Roll call votes will begin with Councilor Milks

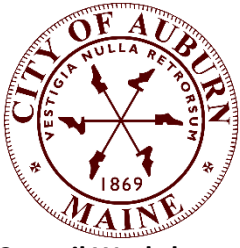
Pledge of Allegiance

I. Unfinished Business

1. Ordinance 02-02132023

Amending the definition and use of standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/or Government Offices at a site on which the use does not currently exist. Public hearing and second reading.

II. Adjournment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: February 17, 2023

Ordinance: 02-02132023

Author: Eric Cousens, Director of Planning and Permitting

Subject: Workshop in preparation for First Reading on a Zoning text amendment related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices.

Information: Zoning text amendment involving definitions and use standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices. The proposed text amendment includes amendments to Chapter 60, Article I, Section 60-2 Definitions and Chapter 60, Article IV. District Regulations. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

This is a workshop to ask questions and clarify how the draft ordinance would work for review of specified uses. First reading is scheduled for later tonight, a Planning Board Public Hearing is scheduled for 2/14/23 and Second reading with Public Hearing is scheduled for City Council on 2/17/23. In summary the proposed ordinance established new definitions for Public Safety Facilities, correctional facilities and related uses. Prior to this there was only a broad category of Government Offices and Services that could cover a wide range of uses that had very different potential impacts. The Planning Board and staff worked to define the different uses using other communities and best practices as a guide and then to determine where they could be appropriate and what special impacts should be addressed by conditions. Attached is the draft text. Correctional facilities and jails will be limited to T5.2 (where one exists) and the Industrial district. Public safety facilities will be allowed more broadly as a special exception with Planning Board review and with an approval by the City Council after review of a needs and impacts analysis specific to any proposed facility. The needs and impacts analysis would be easier to justify where impacts from existing facilities already exist and residents are used to living with them. Government Offices/services with more office related functions, other than Public safety and correctional facilities/jails, would be allowed even more broadly as shown in the attached amendment.

City Budgetary Impacts: None

Staff Recommended Action: Staff recommends passage of the ordinance as is without amendments.

Previous Meetings and History: Partly discussed when a moratorium was put in place in 2022, passage of first reading on 2/13/2023, and discussed at the Planning Board meeting on 2/14/2023.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Ordinance amendment language, Use Matrix used for discussion with Planning Board Planning Board staff report.

LEGAL NOTICE

City of Auburn

Notice is hereby given that the Auburn City Council will hold a Public Hearing on **Friday, February 17, 2023, at 5:30 p.m.** in the City Council Chambers, 60 Court Street, Auburn, Maine to consider the following topic:

1. **PUBLIC HEARING/ SECOND READING/ TEXT AMENDMENT/** Public hearing on a text amendment involving definitions and use standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices at a site on which the use does not currently exist. The proposed text amendment includes amendments to Chapter 60, Article I, Section 60-2 Definitions and Chapter 60, Article IV. District Regulations. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Additional information is available at the Auburn Planning & Permitting Department by contacting Katherine Cook at (207) 333-6601 ext. 1155 or kcook@auburnmaine.gov.



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

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207.333.6601

To: Auburn City Council

From: Auburn Planning Board

Re: Planning Board February 14, 2023 public safety ordinance recommendation

Date: February 17, 2023

The Planning Board forwards the following recommendation to council after notice and public hearing at the February 14, 2023, Planning Board meeting.

Motion: Riley Bergeron; Second: Stacey LeBlanc

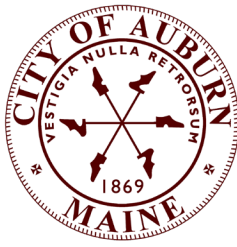
I make a motion to forward a positive recommendation to the City Council to adopt the text amendment involving definitions and use standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices at a site where the use does not currently exist. The proposed text amendment includes amendments to Chapter 60, Article I, Section 60-2 Definitions and Chapter 60, Article IV District Regulations. Pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map including the staff suggestion to include in the government services definition a 1000 sq ft threshold.

Amendment to main motion:

Motion: Evan Cyr; Second: Darren Finnegan

I make a motion to amend municipal uses to read municipal uses means any lawful use of a building or of land carried on by the city not defined elsewhere in the ordinance; a city landfill shall not be deemed a municipal use.

Vote 7-0-0 Motion carries



City Council Ordinance

IN CITY COUNCIL

Amending Chapter 60, Article I, Section 60-2 Definitions and Chapter 60, Article IV.

Be it ordained, that the Auburn City Council adopts a Zoning text amendment involving definitions and use standards related to Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices. The proposed text amendment includes amendments to Chapter 60, Article I, Section 60-2 Definitions and Chapter 60, Article IV. District Regulations as shown on the attached copies with proposed amendments. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager

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.

Adaptive reuse means a special exception permitting a structure of community significance to be used for one or more purposes, not otherwise permitted in the district in which the building is located, but which the planning board has determined will contribute to the preservation of a structure of community significance, including without limitation, the following uses:

- (1) Bed and breakfast homes or inns;
- (2) Restaurants, diners or cafes;
- (3) Art studios and galleries;
- (4) Performing arts centers;
- (5) Medical and dental clinics;
- (6) Office space;
- (7) Municipal and government uses; and
- (8) Retail sales as an accessory 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.

Artist studio, residential 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.

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 towtruck 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 may reside 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.

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 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.

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.

Correctional institution means a publicly or privately operated facility generally designed for the confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court.

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.

Detention facility mean In the case of an adult or juvenile, "detention" means the confining of an adult or juvenile held in lawful custody in a specially constructed or modified facility designed to ensure continued custody and control. Detention may be confinement before trial or another hearing by a court or confinement to serve court-imposed sentences or dispositions and may be in a step-down, jail, half-way house or lock-up facility.

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.

Director means the director 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 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 attached, means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. Each one-family attached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

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, 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 which is used in the raising of agricultural products, livestock or poultry, or for dairying.

Farm, livestock, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, donkeys, cattle, goats, sheep, swine and similar sized animals for the agricultural use of the residents of the lot, provided that there is a minimum of 1 acre of land as required by Chapter 8 Animals and adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

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- (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 livestock 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.

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.

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).

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.

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

Government offices means a room or group of rooms used for conducting the affairs of a government entity, not entailing the sale of goods except that which is clearly incidental.

Government services means for the purposes of this chapter, "government services" includes the functions performed by the various government agencies in the city. Government services includes the following: government administration, courts, public schools, postal services, public works and municipal utilities.

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, for manufacturing or fabrication 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.

Jail means a specially constructed or modified facility designated by law or regularly used for detention for a period of up to 12 months.

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, but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep, or swine.

Lock-up facility means a facility designated by law or regularly used for detention for a temporary period before trial or transfer to a jail or other facility.

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 and the midpoint of the 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 recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least two lifts and public and private golf courses with a minimum of 18 holes.

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 nontransient 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 or public utilities and communication facilities means the use of land for public utility purposes by an entity providing pipeline, gas, electrical, telephone, telegraph, water, or sewage service. "Public utility" also includes the use of land for utility purposes, whether or not owned, controlled, or operated by a public entity, whose services are performed for or commodities delivered to the public or any portion thereof. Facilities that provide for the transmission, transfer, and distribution of telephone service and related activities that are not a minor or major utility facility. For the purposes of this chapter, a municipal or public utility or communications facility includes, but is not limited to, the following: a private telephone company or paging service, any utility regulated by the Maine Public Utilities Commission, and any other commercial communications tower.

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 2½ 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, common means land within or related to a development which is not individually owned and is designed and intended for the common use or enjoyment of the residents of a development and may include such complementary structures and improvements as are necessary and appropriate.

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.

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.

Personal services means the furnishing of labor, time and effort by a person as an independent contractor not involving the delivery of a specific end product.

Place of worship see definition of church.

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

Primary entrance means a section of building elevation which contains the street level principal 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.

Public Safety Services Facilities operated by public agencies to provide services relating to the general health, safety, and welfare of the population, including but not limited to fire stations and other fire prevention and firefighting facilities; police and sheriff substations and headquarter, and emergency response services, excluding correctional facility, interim incarceration, lock-up or jail facilities.

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, motorhome or recreational vehicle parks or commercial campgrounds 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.

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 nonhomogeneous 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.

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

Street, secondary means the street that is considered to be less intense to the other on a corner or double sided lot.

Structure of community significance means a building that by virtue of its historic, social, cultural or economic contribution to the community, as determined by the planning board, is entitled to a special exception allowing its adaptive reuse. The planning board may consider a building's age, as well as any evidence of its role in the historic, social cultural, or economic history of the community, in determining whether a building qualifies for this designation.

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.

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

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

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*.

(Ord. of 9-21-2009, § 2.2; Ord. No. 13-09062011-05, 9-6-2011; Ord. No. 12-09062011-04, 9-19-2011; Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 1, 4-24-2017; Ord. No. 08-08072017, 9-11-2017; Ord. No. 13-11062017, 11-20-2017; Ord. No. 16-11182019, 12-9-2019; Ord. No. 11-03012021, 3-15-2021)

ARTICLE IV. DISTRICT REGULATIONS

DIVISION 1. GENERALLY

Secs. 60-116—60-143. Reserved.

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. Use regulations.

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

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:
 - a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according the most recent census data.
 - b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed.
 - c. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.

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- d. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
 - (3) Forest products raised for harvest.
 - (4) Field crop farms.
 - (5) Row crop farms.
 - (6) Orchard farms.
 - (7) Truck gardens.
 - (8) Plant and tree nurseries.
 - (9) Greenhouses.
 - (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
 - (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
 - (12) Wayside stands.
 - (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
 - (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
 - (15) Marijuana manufacturing accessory to a licensed cultivation site.
 - (16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in section 60-1501.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
 - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
 - b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
 - c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
 - (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
 - (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

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- (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
 - (5) 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.
 - (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
 - a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
 - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
 - (7) Rifle, pistol, skeet or trap shooting ranges, public or private.
 - (8) Cemeteries, subject to the following conditions:
 - a. At least 20 acres in area.
 - b. Not located in any environmental overlay district or over any known aquifer.
 - (9) Municipal sanitary landfills, subject to the following conditions:
 - a. Not located in any environmental overlay district or over any known aquifer.
 - b. Provisions shall be made to avoid surface water and groundwater pollution.
 - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
 - (10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not 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 the surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
 - (11) Wholesale nurseries, subject to the following conditions:
 - a. 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.

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- b. 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.
- (12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
- a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
 - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
 - c. An end-use plan must be filed as part of the planning board process.
- (13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
- a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.
 - b. The proposed use shall not occupy more than 10,000 square feet of building area.
 - c. The number of employees shall be limited to not more than 15.
 - d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
 - e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
- a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
 - b. Provisions shall be made to avoid surface and groundwater pollution.
 - c. Provisions shall be made to counteract vermin, insects and odors.
 - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
 - e. Shall not be located within the Lake Auburn Watershed Overlay District.
- (16) Adaptive reuse of structures of community significance.
- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
 - b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and

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- c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.
- (18) One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6, article XII of this chapter, on parcels containing greater than 6.1, but less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:
- a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data; and
 - b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed; and
 - c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:
 1. The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.
 2. The parcel can reasonably accommodate the proposed farm.
 3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:
 4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.
 5. The proposed residence shall be accessory to farming.
 6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.
 - d. The parcel was existing as of October 1, 2017, contains more than five acres of land area, and otherwise meets the requirements of this chapter.
 - e. In no case shall any farm residence constructed under the provisions of this section, after the effective date of the amended ordinance from which this section is derived, continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
 - f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.
- (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in section 60-1501, subject to the following conditions:
- a. Must comply with the provisions of article XVIII under this chapter;

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- b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
 - 1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.
 - 2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.
 - 3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
 - c. Lot coverage shall not exceed 30 percent, as defined under subsection 60-1506(a)(2).
 - d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.
 - e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.
 - f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:
 - 1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
 - 2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.
 - 3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.
 - 4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.
 - g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department

of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:

1. Non-prime farmland is not reasonably available on the subject property.
- h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:
 1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;
 2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;
 3. To the extent possible, infrastructure shall not be located on steep slopes; and
 4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.
- i. All operations and maintenance plans shall also include:
 1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
 2. A plan that provides habitat for native plants and animals and native pollinators.

(20) Municipal or public utilities and communications facilities

(21) Municipal uses

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019; Ord. No. 17-11182019, 12-9-2019; Ord. No. 05-05182020, 6-1-2020; Ord. No. 11-03012021, §§ 5, 6, 3-15-2021)

Sec. 60-146. Dimensional regulations.

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

- (1) *Minimum lot area, width and depth.* No lot shall be created containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.
 - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
 - b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided

that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2.

- c. A dwelling may be constructed on lots existing as of October 1, 2017 and containing greater than 6.1 acres but less than ten acres, if approved as a special exception pursuant to subsection 60-145(b)(18).
- (2) *Density.* The density of year-round dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1) above.
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
 - 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.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, 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 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.31C; Ord. No. 18-11182019, 12-9-2019; Ord. No. 11-03012021, §§ 7, 8, 58, 3-15-2021)

Secs. 60-147—60-199. Reserved.

DIVISION 3. LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

Sec. 60-200. Purpose.

The purpose of this zone is to maintain and promote the rural/agricultural character of the land within this zone. This zone is composed of those areas in the city whose predominant land use is rural, wooded and agricultural. The regulations for this zone are designed to protect and stabilize these predominant land uses which are the essential characteristics of these areas and to minimize conflicting land uses detrimental to agricultural enterprises. Since residences are only incidental to this zone's development, the densities which require improved roads and expanded municipal services, in excess of those required by the present agricultural-oriented uses, shall not be permitted.

(Ord. of 9-21-2009, § 3.32A)

Sec. 60-201. Use regulations.

- (a) *Permitted uses.* The following uses are permitted:
 - (1) All uses permitted in the Agriculture and Resource Protection District, except uses allowed by section 60-145(a)(8), (14) and (15).
 - (2) One-family detached dwellings.

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- (3) Two-family dwellings.
 - (4) Lawn maintenance services.
 - (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVI of this chapter:
 - (1) All uses permitted by special exception in the Agriculture and Resource Protection (AR) District, (division 2 of article IV of this chapter), except uses allowed by section 60-172(b)(7), (14), and (15).
 - (2) Bed and breakfast.
 - (3) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.32B; Ord. 33-02072011-08, 2-7-2011; Ord. No. 08-08012011-07b, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-08192019, 9-9-2019; Ord. No. 11-03012021, § 9, 3-15-2021; Ord. No. 27-06212021, 7-19-2021)

Sec. 60-202. Dimensional requirements.

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

- (1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than three acres and measuring less than 325 feet in width. No lot shall be less than 200 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs and similar size animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit forms to the definition of farm, livestock contained in section 60-2.
- (2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per three acres.
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot, whichever is less.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 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 50 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to 2½ stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, 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 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.32C; Ord. No. 11-03012021, §§ 10, 11, 3-15-2021)

Secs. 60-203—60-227. Reserved.

DIVISION 4. LOW DENSITY RURAL RESIDENCE DISTRICT

Sec. 60-228. Purpose.

This district is intended to provide for low density rural residential areas while protecting adjacent agriculture and resource protection districts, allowing a degree of residential development compatible with maintenance of environmental quality and preservation of the open character of the area.

(Ord. of 9-21-2009, § 3.41A)

Sec. 60-229. Use regulations.

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

- (1) All uses permitted in the Agriculture and Resource Protection District pursuant to section 60-145(a), except 60-145(a)(14) and (15).
- (2) One-family detached dwellings.
- (3) Two-family dwellings.
- (4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.
- (5) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.
- (6) Licensed veterinarians provided that the lot is of at least three acres.
- (7) Wayside stands.
- (8) Accessory uses, buildings or structures.
- (9) Lawn maintenance services.
- (10) Municipal uses and buildings.

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

- (1) Radio, radar, television and radio-telephone transmitting or broadcasting towers, but not 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 the surrounding residents, buildings 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.
- (2) Care homes, lodginghouses and boardinghouses.
- (3) 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.

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- 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.
- (4) Child day care centers, provided that:
 - a. They are located on arterial and collector streets as defined in the Auburn Tomorrow Comprehensive Plan.
 - b. They shall not be located closer than 1,000 feet from other established day care centers.
 - c. These standards shall not apply to section 60-52.
 - (5) Cemeteries, provided that:
 - a. At least 20 acres in area.
 - b. Not located in any environmental overlay district or over any known aquifer.
 - (6) Community-based residential facilities, provided that:
 - a. The minimum distance between any two such facilities shall be 1,500 feet.
 - b. Any such facility shall house no more than eight persons.
 - (7) Licensed kennels provided that there shall be available land area of at least three acres.
 - (8) Training schools.
 - (9) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
 - (10) Adult day centers.
 - (11) Landscape services.
 - (12) Wholesale nurseries, subject to the following conditions:
 - a. 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.
 - b. 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.
 - (13) Schools.
 - (14) Churches or temples.
 - (15) Libraries.
 - (16) Museums.
 - (17) Adaptive reuse of structures of community significance.

(18) Public Safety Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(19) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(20) Government offices

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(21) Municipal or public utilities and communication facilities

(Ord. of 9-21-2009, § 3.41B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 12-08192019, 9-9-2019; Ord. No. 11-03012021, § 12, 3-15-2021)

Sec. 60-230. Dimensional regulations.

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

- (1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 43,560 square feet and measuring less than 250 feet in width. No lot shall be less than 150 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted, provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2.
- (2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per acre.
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.
 - b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 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.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. A public building, church or temple, and accessory buildings and structures may have a maximum height of 65 feet from grade, 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 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements of specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.41C; Ord. No. 11-03012021, §§ 13, 14, 3-15-2021)

Secs. 60-231—60-253. Reserved.

DIVISION 5. SUBURBAN RESIDENCE DISTRICT

Sec. 60-254. Purpose.

This district is intended to provide for, protect and stabilize low density suburban residential areas and their adjunct public and institutional uses. It is designed to ensure an open character of development through its lot size requirements and through permitting of certain uses, rural in nature, that are compatible with residential uses.

(Ord. of 9-21-2009, § 3.42A)

Sec. 60-255. Use regulations.

- (a) *Permitted uses.* The following uses are permitted:
- (1) One-family detached dwellings.
 - (2) Two-family dwellings.
 - (3) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.
 - (4) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.
 - (5) Farming of field crops, row crops, orchards or truck gardens.
 - (6) Greenhouses.
 - (7) Licensed veterinarians, provided that the lot containing same is of at least three acres.
 - (8) Farm, livestock provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2 and:
 - a. A site plan be submitted to the municipal officer charged with enforcement that contains the information required by section 60-1301.
 - b. Upon request, the municipal officer charged with enforcement may waive the necessity of providing any of the foregoing information which is not relevant to the proposed development.
 - c. In judging whether or not a permit to operate an animal farm will be issued, the municipal officer charged with enforcement shall review and make a decision consistent with the finding requirements of section 60-1304.
 - (9) Wayside stands.
 - (10) Accessory uses, buildings or structures.
 - (11) Lawn maintenance services.
 - (12) Municipal uses and buildings.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with division 3 of article XVI of this chapter:
- (1) All uses permitted by special exception in the Rural Residence (RR) District, except those uses allowed by section 60-229(b)(3), (9), (11) and (12).
 - (2) Professional offices may be created within existing single-family residences in existence at the time of adoption of this chapter, provided the following conditions are met:
 - a. Such residences shall have frontage on a major arterial as defined in the city's comprehensive plan.
 - b. Access to parking shall be located on the arterial frontage except for corner lots, in which case access may be located on the secondary roadway frontage.
 - c. In addition to meeting the requirements of article V of this chapter, required parking shall be separated from all lot lines by a buffer of 30 feet in width. Such buffer shall be vegetated in a manner to fully screen parked vehicles from view at the lot lines. A driveway serving such a parking area must be separated from the side lot line by a sight impervious fence of six feet in

height or a buffer of ten feet in width meeting the vegetation requirements of this subsection (b)(2)c.

- d. Signage shall be limited to a single nonilluminated sign with a maximum of 16 square feet of display per side.

(3) Adaptive reuse of structures of community significance.

(4) Public Safety Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(5) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(6) Government offices

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(7) Municipal or public utilities and communication facilities

(Ord. of 9-21-2009, § 3.42B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-03012021, §§ 15—17, 3-15-2021)

Sec. 60-256. Dimensional regulations.

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

- (1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 21,780 square feet, and measuring less than 150 feet in width; and measuring less than 125 feet in depth.
- (2) *Density.* The density of dwelling units shall not exceed an average of two dwellings per acre.
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.
 - b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 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.
- (4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet in height with the following exceptions: A farm accessory building or structure, church or temple, or windmill may have a maximum height of 65 feet from grade, 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 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.42C; Ord. No. 11-03012021, § 18, 3-15-2021)

Secs. 60-257—60-275. Reserved.

DIVISION 6. URBAN RESIDENCE DISTRICT

Sec. 60-276. Purpose.

This district is intended to provide for, protect and stabilize medium density urban residential areas of single- and two-family detached dwellings and their adjunct public and institutional uses. It is designed to ensure a family living environment in an urban setting through lot size requirements that provide adequate yard space for family outdoor activity and play space for children.

(Ord. of 9-21-2009, § 3.43A)

Sec. 60-277. Use regulations.

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

- (1) One-family detached dwellings.
- (2) Two-family dwellings.
- (3) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.
- (4) Accessory uses building or structures.
- (5) Farming of field crops, row crops, orchards or truck gardens.
- (6) Municipal uses and buildings.

(b) *Special exception uses.* All uses permitted by special exception in the Suburban Residence (SR) District (division 5 of article IV of this chapter), except radio, radar, television and radio-telephone transmitting towers are permitted in the Urban Residence (UR) District.

- (1) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.43B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-03012021, §§ 19, 20, 3-15-2021)

Sec. 60-278. Dimensional regulations.

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

- (1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 10,000 square feet; and measuring less than 100 feet in width. No lot shall be less than 100 feet in depth. No two-family dwelling shall be erected on a lot containing less than 12,000 square feet.
- (2) *Density.* The density of single-family dwelling units shall not exceed four units per acre. The density of two-family dwelling units shall not exceed six units per acre.
- (3) *Yard requirements.*

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- a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.
 - b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 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.
- (4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet in height with the following exceptions: A farm accessory building or structure, church or temple, or windmill may have a maximum height of 65 feet from grade, 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 35 feet.
 - (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.43C; Ord. No. 11-03012021, § 21, 3-15-2021)

Secs. 60-279—60-304. Reserved.

DIVISION 7. MULTIFAMILY SUBURBAN DISTRICT

Sec. 60-305. Purpose.

This district is intended to stabilize and protect medium to high density residential areas by providing for a varied denser urban pattern made suitable to the needs of the population by encouraging a range of dwelling types. This multifamily zone has a maximum density of 17 dwelling units per acre, yet retains the open character of residential areas by requiring 50 percent green space. It is intended that this district will provide the maximum possible freedom in the design of structures and their grouping and will encourage flexible and imaginative layouts and designs.

(Ord. of 9-21-2009, § 3.44A)

Sec. 60-306. Use regulations.

- (a) *Permitted uses.* The following uses are permitted:
 - (1) One-family detached dwellings.
 - (2) Two-family dwellings.
 - (3) Multifamily dwellings in existence on September 23, 1988.
 - (4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.
 - (5) Farming of field crops, row crops, orchards or truck gardens.
 - (6) Shelter for abused persons.
 - (7) Accessory uses, buildings or structures.

- (8) Newly constructed multifamily dwellings and existing structures expanded to contain three or more additional dwelling units within a five-year period, provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.
- (9) Municipal uses and 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) All uses are permitted by special exception in the Urban Residence (UR) District (division 6 of article IV of this chapter).
 - (2) Off-street parking lot, provided that:
 - a. Such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same zone.
 - b. Reasonable conditions imposed by the planning board regarding location, fencing, screening, drainage, ingress and egress, signs and lighting and total capacity of the parking area designed to protect the residential character of the neighborhood are met.
 - (3) Professional offices.
 - a. Shall be in buildings which are listed on the state resource list and/or federal historic register.
 - b. All renovations to the building either internally and externally or both to accommodate the office use shall be accomplished in conformance with accepted historic preservation and rehabilitation guidelines.
 - c. A single sign to identify the building and its uses, conforming to the requirements contained in article VI of this chapter. Signs shall not be lighted.
 - (4) Adaptive reuse of structures of community significance.

(5) Public Safety Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(6) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(7) Government offices

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(8) Municipal or public utilities and communication facilities

(Ord. of 9-21-2009, § 3.44B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-03012021, §§ 22, 23, 3-15-2021)

Sec. 60-307. Dimensional regulations.

All structures in this district, except as noted, 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. Building housing one family: 10,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.
- b. Buildings housing two families: 12,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.
- c. Multifamily buildings: 10,000 square feet minimum lot area for the first dwelling unit and 2,000 square feet minimum lot area for each additional dwelling unit. No lot shall be less than 100 feet width and 100 feet in depth. More than one principal building per lot is allowed.

(2) *Density.* The following maximum densities per acre shall apply, according to housing type:

One-family	4 units per acre
Two-family	6 units per acre
Multifamily	17 units per acre

Not less than 50 percent of the net acreage shall be devoted to green area. Green space shall be deemed to include patios, whether paved or not, pedestrian walks, and landscaping within parking lots, but no off-street parking spaces, driveways, or common roads. For townhouse projects, the green area of individual lots may be counted toward the 50 percent green space requirement of the project. Net acreage shall include all land contained within the project except dedicated streets or street rights-of-way shown on the city's adopted master development plan or proposed to be so included within a reasonable period of time.

(3) *Yard requirements.*

- a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.
- b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 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.
- 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.* The height of all structures shall be limited to 2½ stories or 35 feet, except as follows:

- a. Multifamily buildings shall have a maximum height of 45 feet from grade.
- b. A church or temple or windmill may have a maximum height of 65 feet from grade, 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 35 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.44C; Ord. No. 11-03012021, §§ 24, 59, 3-15-2021; Ord. No. 19-05032021, 5-17-2021)

Secs. 60-308—60-332. Reserved.

DIVISION 8. RESERVED¹

Secs. 60-333—60-358. Reserved.

DIVISION 9. PLANNED UNIT DEVELOPMENTS

Subdivision I. In General

Sec. 60-359. Purpose.

The purpose of this section is to provide for a greater variety and choice of design for urban and suburban living, to gain efficiencies, to coordinate design development efforts, to conserve and make available open space, to utilize new technologies for land development and to offer a flexible alternative to conventional land control regulations. This section should not be used as a device for circumventing the city's development regulations and may be employed in instances where there is truly some benefit to be derived from its use for the community and for the developer. The type and amount of development permitted shall be based on the planning board's evaluation of the development proposal and the purposes standards and provisions set forth in this division.

(Ord. of 3-16-2009, § 3.51(A); Ord. of 9-21-2009, § 3.51A; Ord. No. 08-08072017, 9-11-2017)

Sec. 60-360. Scope.

- (a) Application for a PUD-C Planned Unit Development, PUD-I Planned Unit Development or PUD-R Planned Unit Development may be made for land located where public sewer is presently available or will be made available by the developer prior to certificates of occupancy being issued. Application for a PUD-RR Planned Unit Development: Recreation/Residential may be made for land located where public sewer is presently available, will be made available by the developer prior to certificates of occupancy being issued or may utilize private wastewater disposal systems in compliance with state plumbing codes.
- (b) The dimensional requirements stated in individual zoning districts and signs as stated in article VI of this chapter may be increased or decreased by the planning board as they apply to planned unit developments, except the front yard setback from all public streets shall not be reduced. The dimensional requirements and provision of signs shall be controlled by the standards sets forth in section 60-359, purpose, and section 60-361, general standards.
- (c) Coordination with subdivision regulations.

¹Editor's note(s)—Ord. No. 25-06212021, adopted July 19, 2021, repealed div. 8, §§ 60-333—60-335, which pertained to the multifamily urban district and derived from an Ord. adopted September 21, 2009; Ord. No. 05-04032017, adopted April 24, 2017; and Ord. No. 11-03012021, adopted March 15, 2021.

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- (1) If a plan review is required under division 4 of article XVI subdivision of this chapter, it shall be accomplished simultaneously with the review of the planned unit development plan under this division of this zoning chapter.
 - (2) The final development plan shall be submitted in a form that is in accordance with the requirements of division 4 of article XVI subdivision of this chapter relative to final plans where applicable.
 - (3) Requirements of this division of this zoning chapter and those of division 4 of article XVI of this chapter shall apply to all planned unit developments.

(Ord. of 3-16-2009, § 3.51(B); Ord. of 9-21-2009, § 3.51B; Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, § 27, 3-15-2021)

Sec. 60-361. General standards.

The following provisions apply to all planned unit development districts:

- (1) The dimensional requirements as stated in individual zoning districts shall apply within the PUD but may be increased or decreased due to individual site characteristics as determined by the planning board to promote the purposes set forth in section 60-359 of this chapter.
- (2) The planning board may increase or decrease the required number of off-street parking spaces as stated in article V of this chapter in consideration of the following factors:
 - a. The probable number of cars owned by occupants of dwellings in the planned unit development;
 - b. The parking needs of any nonresidential uses;
 - c. Varying time periods of use, and whatever joint use of common parking areas is proposed.
- (3) Whenever the number of off-street parking spaces is reduced because of the nature of the occupancy, the city shall obtain assurance that the nature of the occupancy will not change.
- (4) A PUD involving residential uses shall reserve an amount of land equal to that required by section 60-1367 to be held as open space for the mutual use of the residents of the PUD or open to the public. Land reserved to satisfy the open space requirement shall be:
 - a. Administered through a homeowner's association; or
 - b. Dedicated to and accepted by the city for public use; or
 - c. Land occupied by a major recreational use adjacent to a PUD-RR; or
 - d. Managed by a non-profit organization or land trust deemed capable of management by the planning board; or
 - e. A combination of a, b, c and/or d above.
- (5) All of the requirements of the City Code of Ordinances applicable to the zoning district not addressed in this division, shall apply.
- (6) Before granting approval of the final development plans, the planning board must find that said plan addresses each of the following criteria or that one or more of the criteria are not applicable to the proposed development and/or that a practical substitute to one or more of the criteria has been achieved::
 - a. The proposed development has an appropriate relationship to the surrounding area;
 - b. Circulation, in terms of internal street circulation system, is designed for the type of traffic generated, safety, separation from living areas, convenience, access and control of noise and

exhaust. Proper circulation in parking areas is designed for safety, convenience, separation and screening;

- c. Adequate open space has been provided with consideration given to preservation of natural features including trees and drainage areas, topographic features, recreation and views.
- d. Privacy in terms of needs of individuals, families and neighbors;
- e. Pedestrian and bicycle traffic in terms of safety, separation, convenience and access points;
- f. Building types in terms of appropriateness to density, site relationship and bulk;
- g. Building design in terms of orientation, spacing, character, storage, signs and lighting;
- h. Landscaping of total site in terms of purpose such as screening, ornamental types used, and materials uses, if any;
- i. Preservation of historically or architecturally significant buildings or places, if any;
- j. There is public sewer available to the lot or will be made available by the developer prior to certificates of occupancy being issued, except as allowed by section 60-360(a) in the case of a PUD-RR.
- k. That the proposal meets the requirements of section 60-1335, special exception of this ordinance.

(Ord. of 3-16-2009, § 3.51(D); Ord. of 9-21-2009, § 3.51D; Ord. No. 08-08072017, 9-11-2017)

Secs. 60-362—60-380. Reserved.

Subdivision II. Types

Sec. 60-381. Definitions.

The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Planned includes plans, plats or any combination thereof.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C)

Sec. 60-382. PUDs established.

The following types of planned unit development may be established by special use approval in any existing zoning district as noted in this section. The options for use are as follows:

- (1) PUD-R Planned Unit Development: Residential in LDCR, RR, SR, UR, MFS, MFU, GB and CB.
- (2) PUD-RR Planned Unit Development: Recreation/Residential in AG/RP, LDCR, RR, SR, UR, and GB.
- (3) PUD-C Planned Unit Development: Commercial in GB and GBII.
- (4) PUD-I Planned Unit Development: Industrial in ID.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, § 28, 3-15-2021)

Sec. 60-383. Zoning map indication.

The area included in each approved planned unit development shall be indicated on the zoning map as PUD-R or, PUD-RR or PUD-C or PUD-I. (Ord. of 3-16-2009, § (3.51)(C); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017)

Sec. 60-384. Permitting.

Phased planned unit developments shall be permitted where any type of PUD is otherwise allowed by this chapter with an additional review by the director of planning and permitting prior to recording at the Androscoggin County Registry of Deeds. It is the intent of this phasing to allow coordinated long term planning of a large scale development without the disincentives of taxation and financing for phases that will not be constructed in the short term. The final development plan shall be kept on file in the planning and permitting office and the developer shall meet the requirements of section 60-420(c) prior to declaration and recording of a phase. The developer shall declare and record the approved phase plan within 30 days after a written approval is issued by the director. The recorded plan shall contain a note referencing this chapter. This division may be applied to existing PUDs if said plan was approved by the planning board as a phased development. (Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017)

Sec. 60-385. Planned Unit Development—Residential (PUD-R).

It is the intent of this section that any residential property which is under single ownership and contains three acres or more area may be developed as PUD-R Planned Unit Development: Residential. Within the PUD-R the following uses and densities may be permitted subject to the approval of the planning board.

- (1) Uses permitted by right or permitted by special exception in the residential districts noted in this section and the underlying zoning district.
- (2) Commercial uses may be permitted in the PUD-R district if the planned unit development contains 20 or more dwelling units. Such commercial uses shall be subject to the following requirements:
 - a. Such uses including parking shall be included as an integral part of the PUD and shall not occupy more than five percent of the total area of the PUD. Commercial uses in any development shall not be open to use prior to issuance of the certificates of occupancy for 50 percent of the dwelling units.
 - b. Except as stated in division 11 of article IV of this chapter all restrictions applicable to the NB district are applicable to the commercial center in the PUD-R district.
 - c. Such establishments shall be located, designed and operated primarily to serve the needs of the persons within the planned development. These buildings shall be architecturally compatible with the dwellings they serve using similar materials, geometry, topographic relationships, color and lighting to minimize its effect on the environment of existing or future residential uses adjacent to them.
 - d. Sign.
 1. Any part of the sign for a commercial use shall not project above the eaves or protrude from the face of the building more than 12 inches. A commercial use shall have not more than one sign for every street frontage. Any free standing signs may not exceed 20 feet in height and must have a minimum setback of 25 feet. Portable flashing and moving signs are not permitted. All emblems, shields or logos are considered part of the total allowable sign area.

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2. A residential subdivision may have one sign for each newly created entry to the subdivision, not to exceed 40 square feet in size.
 - (3) The total number of dwelling units permitted in the PUD-R district shall be determined by dividing the total project acreage (not including public rights-of-way) by the area required per unit in the underlying zoning district or as approved by the planning board pursuant to the standards in the underlying zoning district.
 - (4) If common open space remaining is offered to the city and is acceptable to the city, such dedication may be considered as partial or total fulfillment of park and open space dedication.
 - (5) Upon review of a PUD-R proposal, the planning board may authorize up to a 20 percent increase in density over that otherwise allowed in the underlying district if the following criteria are met:
 - a. *Architecture.* Utilization of existing topography, recognition of the character of the area reflected in materials and layout.
 - b. *Siting.* Preservation of unique natural features, separation of pedestrian and vehicular circulation and integration of open space.
 - c. *Design.* A unified cohesive development, focal points for orientation and interaction, variety of scale.
 - d. *Landscaping.* The compatibility with natural landscape, the separation of individual units for privacy.
 - e. *Convenient.* A convenient well-defined access.
 - f. *Compatibility.* Compatibility with the adopted comprehensive plan and/or plans approved by city boards and departments for school service area and size of buildings, park system, police and fire protection standards and other facilities public or private.
 - (6) All planned unit developments containing residential units shall comply with all city zoning and subdivision regulations.

(Ord. of 3-16-2009, § 3.51(C)(2); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, § 29, 3-15-2021)

Sec. 60-386. Planned Unit Development—Recreation/Residential (PUD-RR).

The PUD-RR district is created to provide for the development of residential and commercial uses that are customary, complementary, and appropriate to major recreational uses on land located adjacent to them. Major recreation uses of land are designed for outdoor use of large land areas and have indoor facilities to accommodate groups of people. Major recreation uses may be open year round or may operate seasonally and their economic viability and continued operation are recognized as assets to Auburn. Flexibility for the siting of homes, condominiums, hotels or motels and accessory uses that are of a scale that is compatible with the surrounding area will help support the economics of a major recreation use.

Any major recreation use containing 100 acres or more area may be developed as a planned unit development: Recreation/Residential-PUD-RR. Within a PUD-RR the following uses and densities may be permitted subject to the approval of the planning board.

- (1) Uses permitted by right or permitted by special exception in the underlying zoning district.
- (2) Attached single-family dwellings with direct access to the outside at ground level may be permitted, provided that they are approved as part of a planned unit development and as a subdivision under section 60-359 and section 60-1359 of this chapter.

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- (3) Hotels or motels adjacent to an existing major recreation use or a major recreation use if construction of the major recreational use is complete and open for use, provided that they are approved by the planning board as a site plan and as a special exception under section 60-1276 and section 60-1335 of this chapter. The size and scale of a hotel, motel, or accessory commercial uses shall be determined by the planning board at the time of PUD and/or special exception review. In making their determination, the planning board shall consider the appropriate relationship of the hotel, motel or accessory buildings and structures to the major recreation use and the surrounding neighborhood in terms of bulk, location or operation of proposed buildings and structures, traffic impact, access management, parking requirements, internal circulation, vehicular and pedestrian connections to adjacent property, external lighting, landscaping, signage using the standards of section 60-385(2)d. as a guide, provisions for water and public sewer, and the preservation of scenic and natural beauty to the extent possible.
 - (4) Accessory commercial uses provided that they are approved as a site plan and as a special exception under section 60-1276 and section 60-1335. Building and structures shall be architecturally compatible using similar materials, topographic relationships, color and lighting, landscaping, and signage to minimize its effect on the environment of existing or future recreation and residential uses adjacent to it.
 - (5) The total number of dwelling units permitted in the PUD-RR district shall be determined by dividing the total project acreage including the major recreational use (not including public rights-of-way) by the area required per unit in that zoning district or as approved by the planning board pursuant to section 60-361(4). For the purpose of determining the number of dwelling units permitted on parcels located within more than one zoning district, the higher density district standard may be applied to the entire parcel and adjacent major recreational use in the case of a PUD-RR Planned Unit Development.
 - (6) The requirements of a planned unit development, section 60-361(4) and as a subdivision, section 60-1367 to provide recreation and/or open space may be satisfied by the principal recreation, entertainment, and social uses of the adjacent major recreation use.
 - (7) Access to the property shall be located on an arterial or collector street to minimize congestion or unsafe conditions and unreasonable deterioration of the local road system. Access to individual house lots shall be from an internal street system to retain the character of the area.
 - (8) The requirements of this chapter applicable to the underlying district or districts, not addressed in this section, shall apply.

(Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, § 61, 3-15-2021)

Sec. 60-387. Planned Unit Development—Commercial (PUD-C).

The PUD-C district is created to provide for the development of planned business and shopping centers and mixtures thereof. It is intended to promote the grouping of professional offices and retail commercial uses and to provide areas of sufficient size to establish harmonious relationships between structures, people and vehicles through the use of well planned parking access, pedestrian walkways, courtyards, walls and other open spaces. This district should offer a wide variety of goods and services. Any commercially zoned area three acres or more in size may be developed as a PUD-C district. Uses permitted in the underlying zoning districts are permitted in the PUD-C district.

(Ord. of 3-16-2009, § 3.51(C)(3); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017)

Sec. 60-388. Planned Unit Development—Industrial (PUD-I).

The PUD-I district is created to provide for the development of planned industrial areas. It is intended to promote the grouping of industrial uses and to group these uses in such a manner that they provide well planned parking and access, landscaped open areas and harmonious relationships between structures. Any industrial area over five acres may be developed as a PUD-I district. Uses permitted in the underlying zoning district are permitted in the PUD-I district.

(Ord. of 3-16-2009, § 3.51(C)(4); Ord. of 9-21-2009, § 3.51C; Ord. No. 08-08072017, 9-11-2017)

Secs. 60-389—60-417. Reserved.

Subdivision III. Application Procedure

Sec. 60-418. Compliance.

All applicants for planned unit development shall comply with procedures set forth in this subdivision and in accordance with division 2 of article XVI of this chapter site plan review.

(Ord. of 3-16-2009, § 3.51(E)(intro. ¶1); Ord. of 9-21-2009, § 3.51E)

Sec. 60-419. Submission and review.

- (a) An applicant shall make application for the approval of the planned unit development to the planning department. The applicant shall present his completed application and fee, in the amount provided in the city fee schedule, along with the development plan outline as specified in this division.
- (b) The development plan outline shall include both the site plan map and a written statement of procedures. The plan shall indicate sufficient areas surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining existing and proposed uses.
- (c) The site plan must contain the following information:
 - (1) All site plans shall conform to the provisions as contained in division 2 of article XVI of this chapter;
 - (2) The type and character of proposed development to include general architectural design, types of building materials to be used and, when appropriate, the proposed number of dwelling units per acre;
 - (3) The proposed location and size of public uses including schools, parks, playgrounds, swimming pools and other common open spaces.
- (d) The written statement to accompany the development plan outline map must contain the following information:
 - (1) A brief description of unique project design needs that make the planned unit approach advantageous to the city and developer;
 - (2) An anticipated schedule of development and a conceptual phase plan where the developer intends to phase the declaration of portions of the development;
 - (3) Proposed agreements, provisions or covenants which govern the use, maintenance and continued protection of the PUD and any of its common areas.

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- (e) The number of copies of the written statement must be consistent with the provisions of section 60-1300.
 - (f) The applicant may be requested to submit any other information or exhibits deemed pertinent in evaluating the proposed planned unit development.

(Ord. of 3-16-2009, § 3.51(E)(1); Ord. of 9-21-2009, § 3.51E)

Sec. 60-420. Final development plan.

- (a) The final development plan shall be submitted in accordance with section 60-419 of the municipal code relative to final plans.
- (b) The planning board shall approve the final development plan if it is in substantial compliance with the approved preliminary development plan. The final development plan shall be recorded as if it were a final subdivision plan except in the case of a phased development which shall follow the standards of subsection (c) of this section.
- (c) For phased developments the final development plan shall be kept on file in the planning and permitting office. The developer shall provide a phase plan and letter of intent to declare a phase for review and approval by the director of planning and permitting prior to recording at the registry of deeds. The director shall consider the following standards before approving a phased plan for recording:
 - (1) The remaining undeveloped land/phases shall be considered as one lot for frontage purposes. The phase plan shall provide the required frontage for the remaining land/phases.
 - (2) Common open space, roadway improvements and/or access to utilities may be completed without opening a phase provided that the director determines that the work is necessary or beneficial to an open phase of the development or to the city.
 - (3) The phased plan must be determined by the director of planning and permitting to be consistent with and progress towards completion of the long term final development plan.
- (d) From time to time the planning board shall compare the actual development accomplished in the planned unit development with the approved development schedule. If the owner of property in the PUD has failed to meet the approved development schedule without cause, the planning board may initiate proceedings. The planning board, for good cause shown by the property owner, may extend the limits of the development schedule.
- (e) The planning board may require adequate assurance in a form consistent and acceptable to the planning board, that the common open space shown in the final development plan shall be provided and developed.
- (f) Final development plan contents:
 - (1) The final development plan shall contain the information provided on the preliminary development plan and any additional information requested by the planning board and must be submitted within one year following the approval of the preliminary development plan unless written request is made for an extension of up to one year and approved by the planning board.
 - (2) The final development plan, with supplemental information in report form, shall be prepared in conformity with the provisions of section 60-419.
 - (3) Copies of any special agreements, conveyances, deed restrictions, or covenants, which will govern the use, maintenance and continued protection of the planned unit development and any of its common area must accompany the final development plan.
 - (4) The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit development.

(g) Control of planned unit development following completion.

- (1) The planning board shall review and take action on the completed final plan.
- (2) After final approval has been granted the use of the land and the construction, modification or alteration of any building or structure within the planned development shall be governed by the approved final development plan rather than by any other provisions of this zoning chapter.
- (3) After final approval, no changes may be made in the approved final development plan except upon application to the appropriate agency under the following procedures:
 - a. Any minor extension, alteration, or modification of existing buildings or structures may be authorized by the planning board if they are consistent with the purposes and intent of the final plan. No change authorized by this division may decrease or increase the dimension of any building or structure by more than ten percent.
 - b. Any uses not authorized by the approved final plan, but allowable in the PUD as a permitted principal, accessory, or special use under the provisions of the underlying zoning district in which the planned development is located may be authorized by the planning director and added to the final development plan provided that such an addition does not adversely impact the approved development plan.
 - c. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan or amendments thereof approved under subsection (g)(3)a and b of this section.
 - d. Changes in use of common open spaces may be authorized by an amendment to the final development plan under subsection (g)(3)a and b of this section.
 - e. All other changes in the final development plan must be made by the planning board under the procedures authorized by this chapter. No changes may be made in the final development plan unless found to be required for:
 1. Continued successful functioning of the planned unit development;
 2. By changes in conditions that have occurred since the final plan was approved; or
 3. By changes in the development of the community.

No changes in the final development plan which are approved under this division are to be considered as a waiver of the provisions limiting the land use, buildings, structures, and improvements within the area of the planned unit development, and all rights to enforce these provisions against any changes permitted in this division are expressly reserved.

(Ord. of 3-16-2009, § 3.51(E)(2); Ord. of 9-21-2009, § 3.51E; Ord. No. 08-08072017, 9-11-2017; Ord. No. 11-03012021, §§ 62, 63, 3-15-2021)

Secs. 60-421—60-438. Reserved.

DIVISION 10. RESERVED²

Secs. 60-439—60-469. Reserved.

DIVISION 11. NEIGHBORHOOD BUSINESS DISTRICT

Sec. 60-470. Purpose.

This district is intended to provide for the daily convenience shopping and business needs of nearby residents and contains those retail, service and office uses which serve primarily a neighborhood population. It is intended that this district be located on lots in areas zoned for residential use.

(Ord. of 9-21-2009, § 3.61A)

Sec. 60-471. Use regulations.

- (a) *Permitted uses.* The following uses are permitted, provided that the business use be limited to the ground floor and/or basement and that the gross building area devoted to business use, excluding storage, does not exceed 3,000 square feet:
- (1) Residential dwellings at the same density as permitted in any abutting residential district.
 - (2) Beauty parlors, barbershops and self-service laundries.
 - (3) Public transportation passenger stations.
 - (4) Grocery stores.
 - (5) General commercial uses (retail, service and office uses), not necessarily associated with the surrounding neighborhood, may be authorized by the planning director upon written application adhering to the following procedure and criteria:
 - a. The external activity levels and impacts are limited as to be compatible with and not adversely affect the character of the surrounding neighborhood.
 - b. The proposed use will not create excessive noise, excessive traffic, nuisances (vibration, smoke, odor, appearance, etc.), fire hazard and other negative impacts of business activities being conducted in the residential neighborhood.
- (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.

²Editor's note(s)—Ord. No. 20-05032021, adopted May 17, 2021, repealed div. 10, §§ 60-439—60-443, which pertained to the downtown enterprise zone and derived from an Ord. adopted September 21, 2009 and Ord. No. 05-04032017, adopted April 24, 2017.

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- (1) Automobile parking lots and garages, commercial and public, provided that they shall be at least ten feet from any lot in a residential district and that the setback area be landscaped.
 - (2) Public utility uses, such as electric substations and office, excluding repair facilities and the storage of material and trucks.
 - (3) Convenience stores, drug stores, variety stores and retail bakeries shops provided that goods baked on the premises shall be sold only on the premises.
 - (4) Automobile filling stations.
 - (5) Halls, private clubs and lodges.
 - (6) Shoe repair shops, pickup laundries and dry cleaners.
 - (7) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.61B; Ord. No. 05-04032017, § 2, 4-24-2017)

Sec. 60-472. Dimensional regulations.

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

- (1) *Minimum lot area, width and depth.* No minimum shall be applied to buildings in this district.
- (2) *Density.* The maximum lot coverage by all building shall be 40 percent.
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every principal building a rear yard having a minimum depth of 35 feet or 25 percent of the average depth of the lot, whichever is less.
 - b. *Side.* There shall be a distance of five feet between any principal building and the side property line, plus the side yard setback shall be increased one foot for every four feet or part thereof increase in street frontage over 49 feet to a maximum of 25 feet for side yard setback.
 - c. *Front.* There shall be in front of every principal building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less.
 - d. *Open and unbuilt spaces.* Any yard space or area required to be kept open and unbuilt on may be used, if otherwise lawful, for off-street automobile parking, except that a green strip not less than ten feet wide shall be maintained open and green, not built on, paved, or parked on, all or parked on, all along each property line that abuts land residentially.
- (4) *Height.* No permitted structure shall exceed two stories or 35 feet in height. A public building, church or temple, or accessory building or structure may have a maximum height of 65 feet from grade, 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 35 feet.
- (5) *Off-street parking and loading.* Provisions for off-street parking shall not be required in the NB district, except for dwellings and for any parking and loading area required as a condition of special exception approval.

(Ord. of 9-21-2009, § 3.61C)

Secs. 60-473—60-497. Reserved.

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 7 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.

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- (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.
 - (31) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of the City of Auburn Ordinances.
 - (32) Marijuana cultivation accessory to a licensed retail store on the same property.
- (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 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.

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- (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.
 - (21) Adaptive reuse of structures of community significance.

~~(22) Public Safety Services~~

~~a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.~~

(23) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. of 9-21-2009, § 3.62B; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 05-05202019, 6-3-2019; Ord. No. 11-03012021, §§ 30, 31, 3-15-2021)

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.

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- 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 commission 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 article V of this chapter.

(Ord. of 9-21-2009, § 3.62C; Ord. of 3-22-2010; Ord. No. 11-03012021, §§ 32, 64, 3-15-2021)

Secs. 60-501—60-523. Reserved.

DIVISION 13. MINOT AVENUE (GBII)

Sec. 60-524. Purpose.

This district is intended to allow commercial development to locate along the Minot Avenue corridor which is most compatible with local scale business. The corridor is also an arterial which requires that good sound access management design is incorporated into the uses consistent with the access management ordinance.

(Ord. of 9-21-2009, § 3.63A)

Sec. 60-525. Use regulation.

- (a) *Permitted uses.* The following uses are permitted:
- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 7 of article IV of this chapter).
 - (2) Grocery stores and supermarkets.
 - (3) Clothing stores.

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- (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) Retail bakeries.
 - (12) Retail laundries and dry cleaners.
 - (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) Restaurants, dining rooms or lunchrooms.
 - (18) Bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
 - (19) Animal hospitals and pet shops, but not kennels.
 - (20) Business equipment repair and business services.
 - (21) Radio and television studios.
 - (22) Printing shops, but not publishing plants.
 - (23) Carwashes.
 - (24) Accessory uses, buildings and structures.
 - (25) Greenhouses.
 - (26) Seasonal outdoor places of amusement.
 - (27) Churches and temples.
 - (28) Shelters for abused persons.
 - (29) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of the City of Auburn Ordinances.
 - (30) Marijuana cultivation accessory to a licensed retail store on the same property.
 - (31) Automobile and marine sales lots and sales and service agencies, provided that the vehicle display spaces are limited to not more than 10 spaces per 1,000 square feet of gross building area permanently constructed on the site with maximum of 100 display spaces.
- (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) Commercial parks.
 - (2) Automobile repair and service stations.

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- (3) Hospitals, care homes, boardinghouses and lodginghouses.
 - (4) Research or philanthropic institutions.
 - (5) Outdoor theaters.
 - (6) Drive-in or carry-out restaurants.
 - (7) Sales, rental and service agencies for farm equipment, trucks and trailers, and construction equipment.
 - (8) Light industrial plants which support a retail store selling goods made on the premises and will not create a nuisance by noise, vibration, smoke, odor or appearance.
 - (9) Convenience stores.
 - (10) Research, experimental and testing laboratories.
 - (11) Landscape services and lawn maintenance services.
 - (12) Halls, private clubs and lodges.
 - (13) Outpatient addiction treatment clinics.
 - (14) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under section 60-525(a) which will occupy an area of 5,000 square feet or more.
 - (15) Adaptive reuse of structures of community significance.

(16) Public Safety Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(17) Government services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. of 9-21-2009, § 3.63B; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-05202019, 6-3-2019; Ord. No. 11-03012021, §§ 33, 34, 3-15-2021; Ord. No. 21-05032021, 5-17-2021; Ord. No. 26-06212021, 7-19-2021)

Sec. 60-526. 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 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 (MFS) District, 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 (MFS) District, section 60-307(2).
- (3) *Yard requirements.*

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- 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 building and the 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.
 - 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. *Outdoor storage.* 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, except in the airport approach zone where 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 article V of this chapter.

(Ord. of 9-21-2009, § 3.63C; Ord. No. 11-03012021, § 40, 3-15-2021)

Secs. 60-527—60-545. Reserved.

DIVISION 14. FORM BASED CODE³

Subdivision I. In General

Sec. 60-546. Purpose.

The purpose of the 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.

³Editor's note(s)—Ord. No. 04-03072016, adopted May 16, 2016, repealed former Div. 14, §§ 60-546—60-549, in its entirety and enacted new provisions as herein set out. Former Div. 14 pertained to the central business district and derived from Ord. of 9-21-2009, §§ 3.69A—3.69D; Ord. of 2-16-2010.

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- (d) Deliver a more predictable building development outcome that is consistent with the traditional pedestrian-oriented street-building development pattern.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-547. Transects.

Form based code uses transects as a way to describe the areas 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 five form based code districts, (Transect 4.1, Transect 4.2, Transect 5.1, Transect 5.2 and Transect 6), which describe the physical character of a place at a certain scale, according to the density and intensity of land use and urbanism.

(Ord. No. 04-03072016, 5-16-2016)

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 district is designed to continue the existing pattern of large houses set along Main Street. This area is characterized by front porches, residential front yards and front doors facing the street. T-4.1 promotes a lower-density and less concentrated pattern of buildings along the street, while maintaining a pleasing, connective and compact multi-modal environment.



Characteristic Features

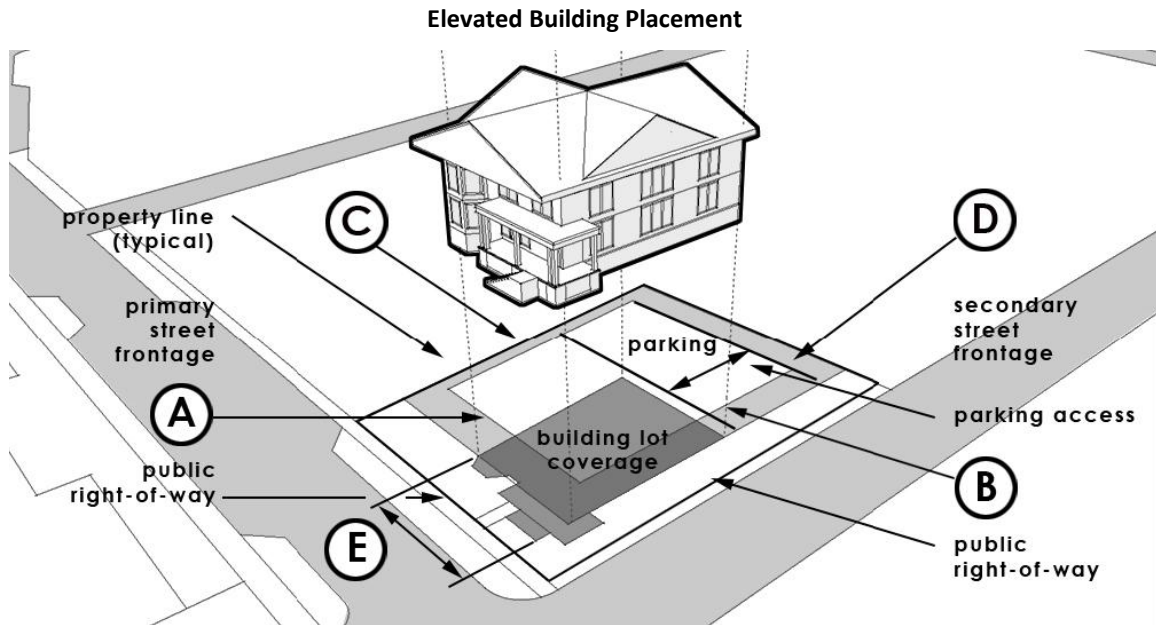
- Front lawns
- Front facade detailing
- Frontage fences
- Porches
- Bay windows
- Foundation planting and yard landscaping
- Street Trees
- Lower Density



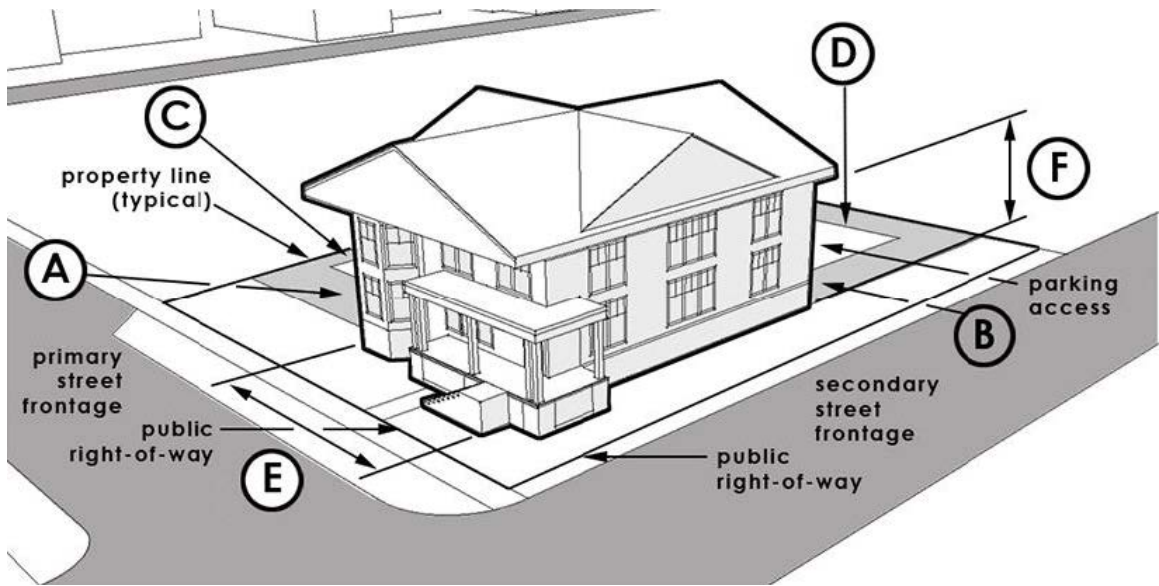
Examples of Main Street Neighborhood - T-4.1

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-548.1. Building placement and configuration T-4.1.



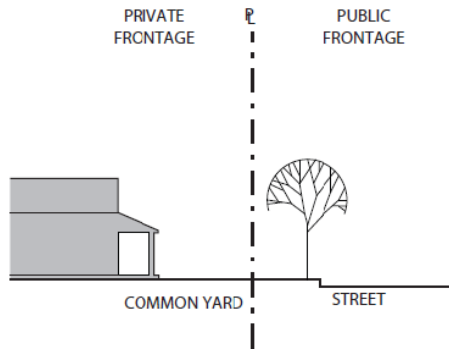
Building Placement on Lot



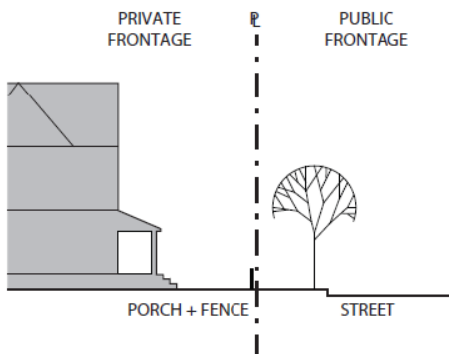
PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	15 ft. Min. 25 ft. Max.	(A)
(Corner Lot) Front Setback, Secondary:	15 ft. Min., 25 ft. Max	(B)
Side Setback:	5 ft. Min.	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	60% Max.	
Useable Open Space:	20% Min.	
Frontage Build-Out:	40% Min. (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 120 ft. Max	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	14 ft. Min., 64 ft. Max.	(E)
Building Height Minimum:	2 Story Min.	(F)
Building Height Maximum:	2 Story Max. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-548.2. Building frontages types T-4.1.



Common Yard



Porch Yard

BUILDING FRONTAGE TYPES:	Common Yard; Porch Yard
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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.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-548.3. External elements T-4.1.

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:	<u>Residential</u> - 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. <u>Commercial</u> - 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.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 65, 3-15-2021)

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 district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building set-backs form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.



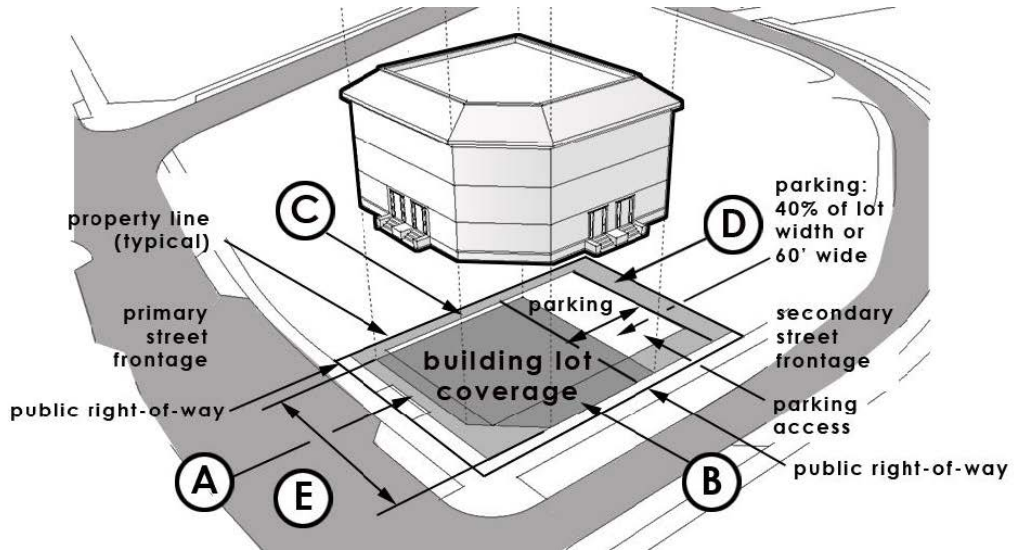


Characteristic Features

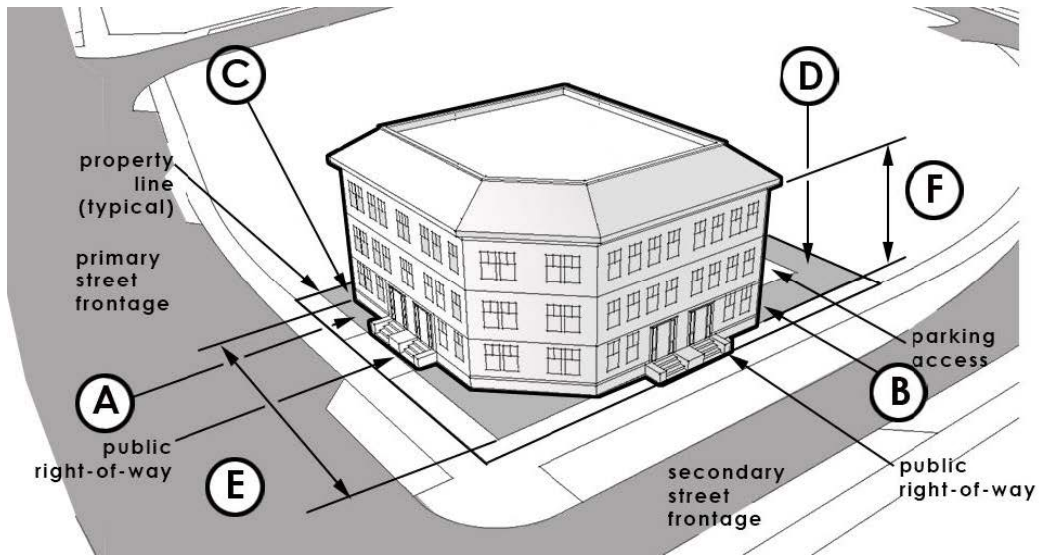
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-549.1. Building placement and configuration T-4.2.



Elevated Building Placement

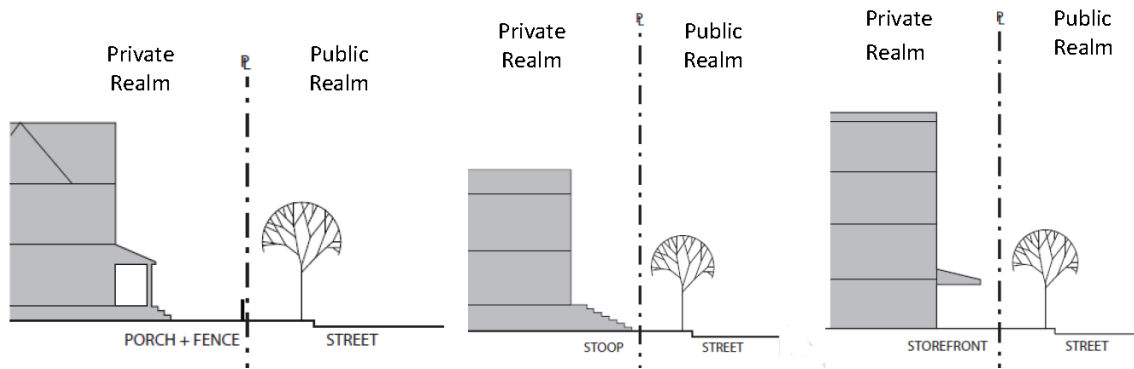


Building Placement on Lot

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)	
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)

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60.549.2. Building frontages T-4.2.



Common or Porch Yard Stoop Yard Frontage Storefront Type

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:	<u>Residential</u> - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. <u>Commercial</u> - 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.

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(Supp. No. 24)

Ground Story Finished Floor Elevation:	<u>Residential</u> - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). <u>Commercial</u> - 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.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 66, 3-15-2021)

Sec. 60-549.3. External elements T-4.2.

Front Yard Fence:	<u>Residential</u> - 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:	<u>Residential</u> - 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. <u>Commercial</u> - 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.

Sec. 60-550. Downtown Traditional Center T-5.1.



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 medium to larger sized buildings in a compact urban environment that generates an active street life. There is interplay between the Public Realm of the busy street and sidewalk, and the Private Realm of the residential stoops, commercial storefronts and gallery building fronts. The increased building widths form a more solid and compact street wall pattern, generating an energized traditional downtown feel.



Key Features

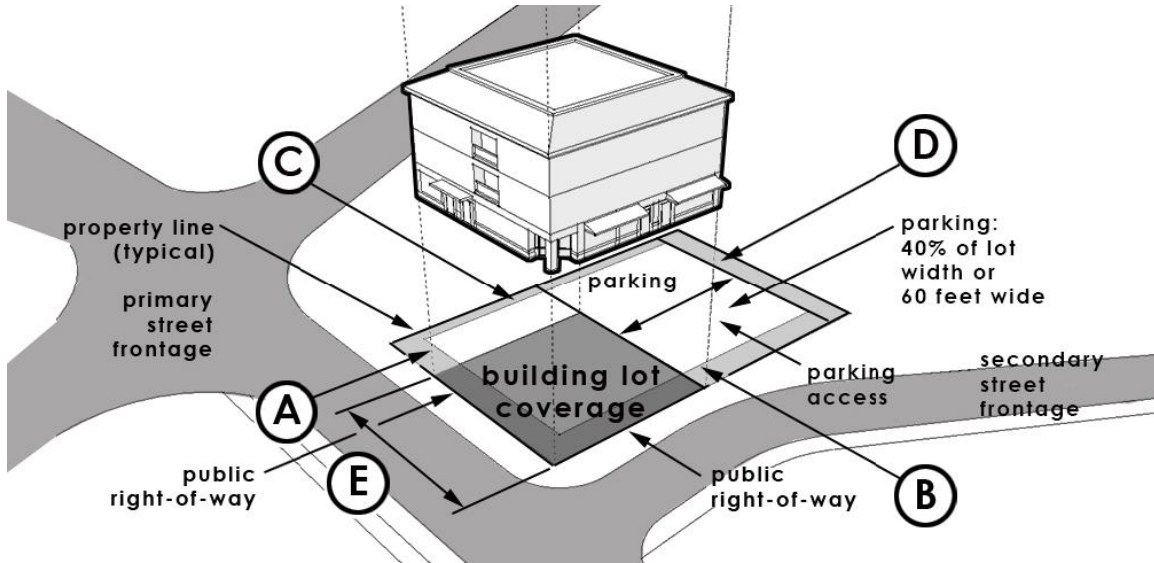
- Vibrant and active interaction between public and private realms
- Larger buildings
- Front facade detailing
- Bay windows
- Balconies
- Street trees
- More urban density



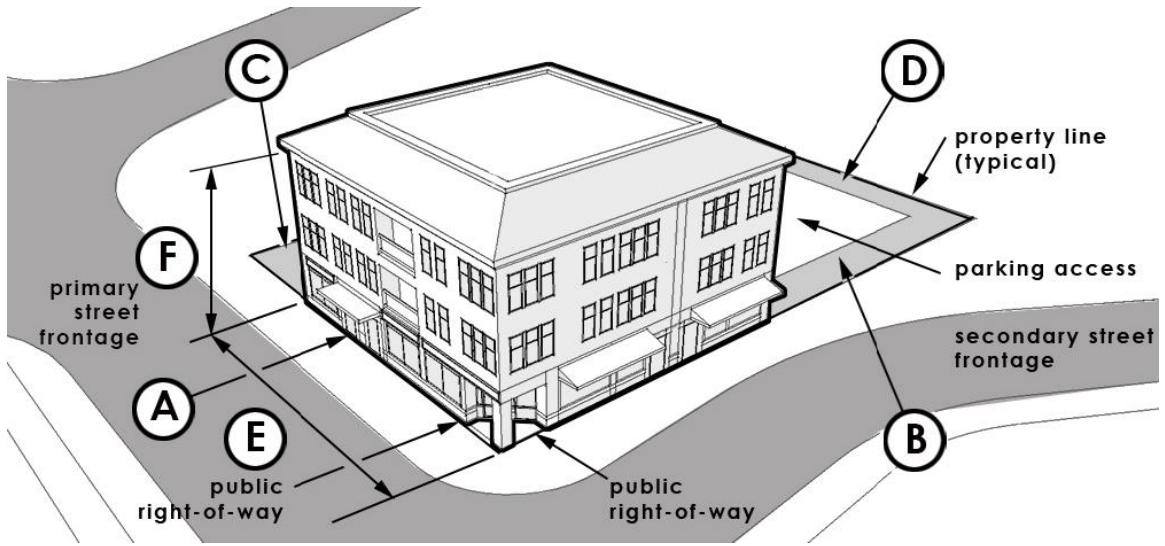
Examples of Downtown Traditional Center T-5.1

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-550.1. Building placement and configuration T-5.1.



Elevated Building Placement

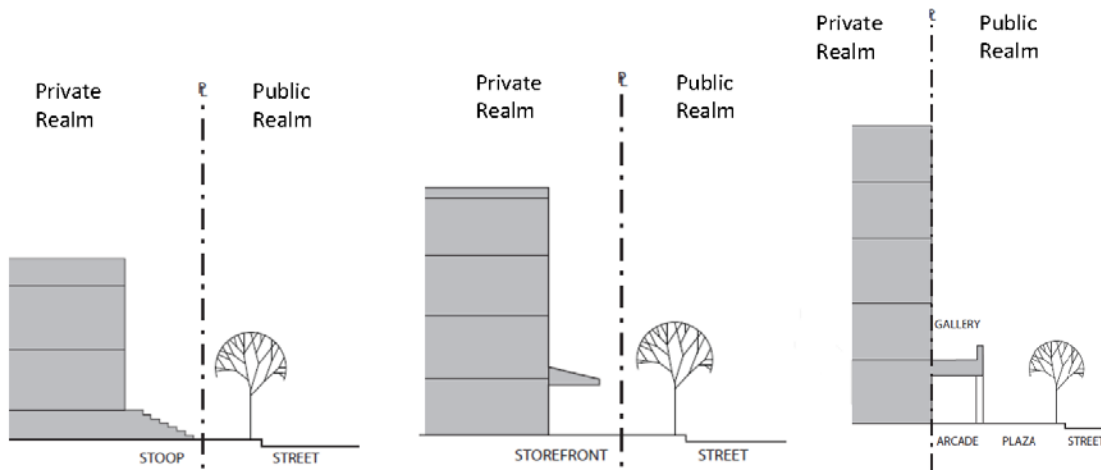


Building Placement on Lot

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:	0*—5 ft. Min.	(C)
	*Subject to Building Permit Approval	
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. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-550.2. Building frontages T-5.1.



Stoop Frontage YardStorefront FrontageGallery Frontage

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.

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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.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-550.3. External elements T-5.1.

Front Yard Fence: (Residential)	<u>Residential</u> - 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.
Street Wall/Wall Opening:	A vehicle entry way, as part of a street wall, shall be a maximum width of 20 feet (residential) and 24 feet (commercial); 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, and other architectural features shall encroach beyond the minimum front setback line.
Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right-of-way.
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:	<u>Residential</u> - 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. <u>Commercial</u> - 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 sidewalk or travel way. 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.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 67, 3-15-2021)

Sec. 60-551. Downtown City Center T-5.2.



Illustrative View of T-5.2 (Court Street)

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

The Downtown City Center district is characterized by medium to large sized buildings in a compact urban environment. This setting will generate social and cultural activity and events, economic stimulation and human interaction. The streets will be important transportation corridors with large sidewalks. The large residential and commercial building widths, frontages and building heights form a solid, compact street wall pattern. The Downtown Center will generate regional economic development activity along with energized social and lifestyle options.



Key Features

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

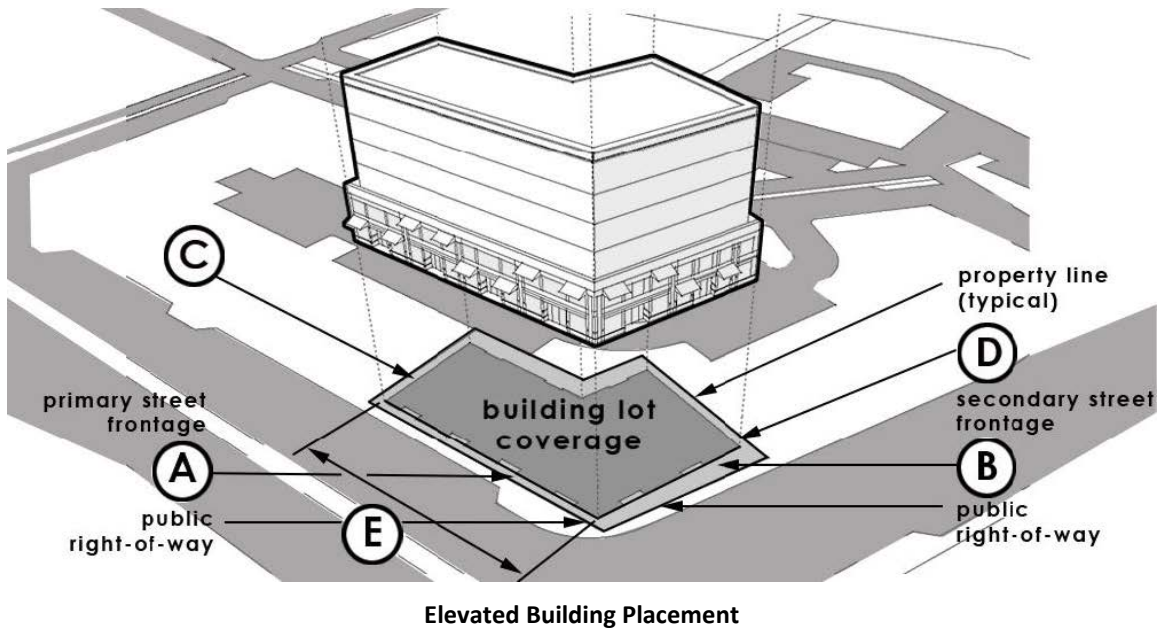


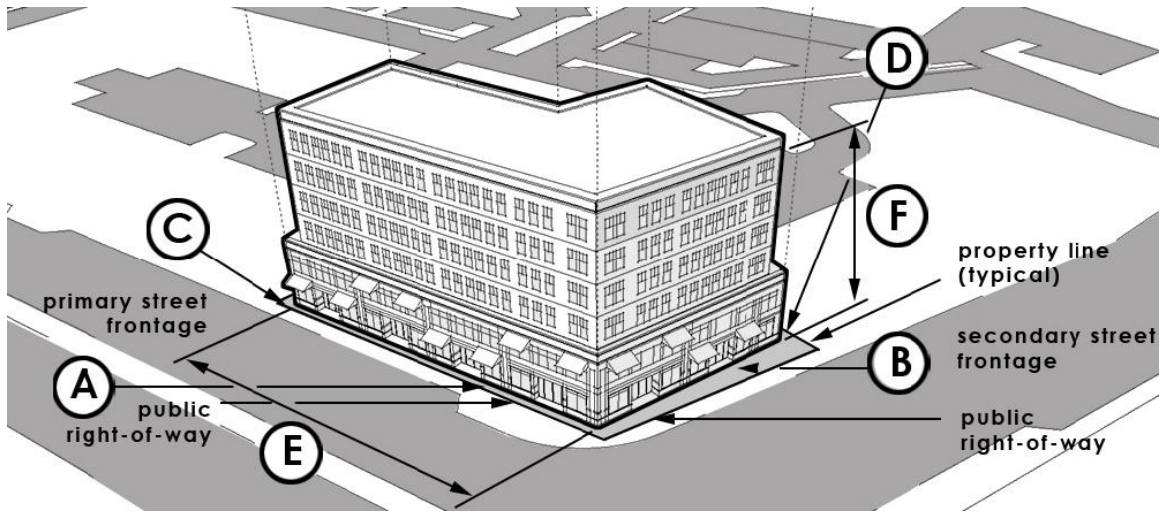


Examples of Downtown City Center - T-5.2

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-551.1. Building placement and configuration T-5.2.



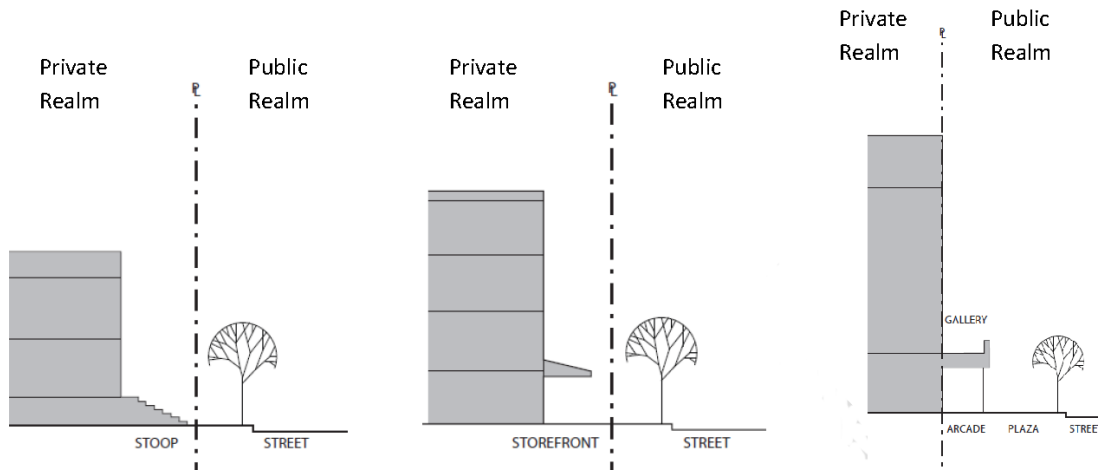


Building Placement on Lot

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:	0*—5 ft. Min. *Subject to Building Permit Approval	(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. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-551.2. Building frontages T-5.2.



Stoop Frontage YardStorefront FrontageGallery Frontage

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:	<u>Residential:</u> Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage. <u>Storefront:</u> Windows and doors shall comprise a

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(Supp. No. 24)

	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:	<u>Residential</u> : Ground story must be a minimum of 2 feet or 6 feet maximum above the average front yard elevation. <u>Storefront</u> : 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.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 68, 3-15-2021)

Sec. 60-551.3. External elements T-5.2.

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:	<u>Residential</u> - 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. <u>Commercial</u> - 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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(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-552. Great Falls Metropolitan T-6.



Illustrative View of T-6 (Turner Street)

**Intent and Purpose:
Great Falls Metropolitan (T-6)**

The Great Falls Metropolitan zone is characterized by large buildings up to 8 stories tall that will define the City of Auburn's emerging downtown. A new central square, "Great Falls Square" will provide a downtown focal point and center for professional enterprise and commerce. The Great Falls Metropolitan urban form will generate strong regional socio-economic gravitational pull, attract corporate investment and become a regional destination for visitors, events, entertainment, shopping and social gatherings.



Key Features

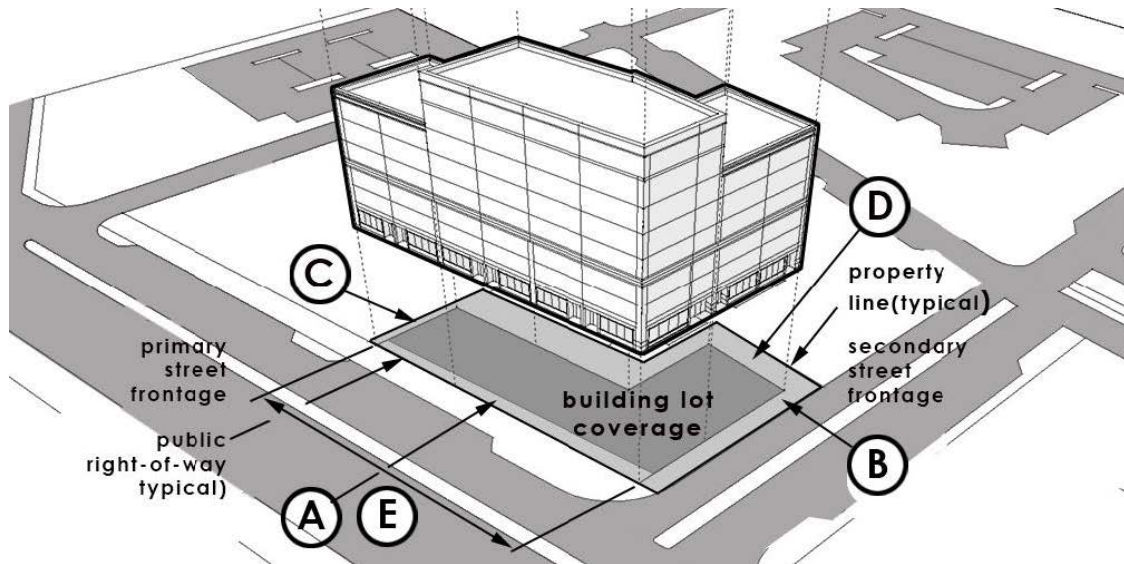
- High energy downtown center
- Balconies
- Articulated storefront entrances
- Awnings for storefronts
- Wide sidewalks
- Street trees
- Streetscape elements (benches, planters)
- Transportation hub
- High density



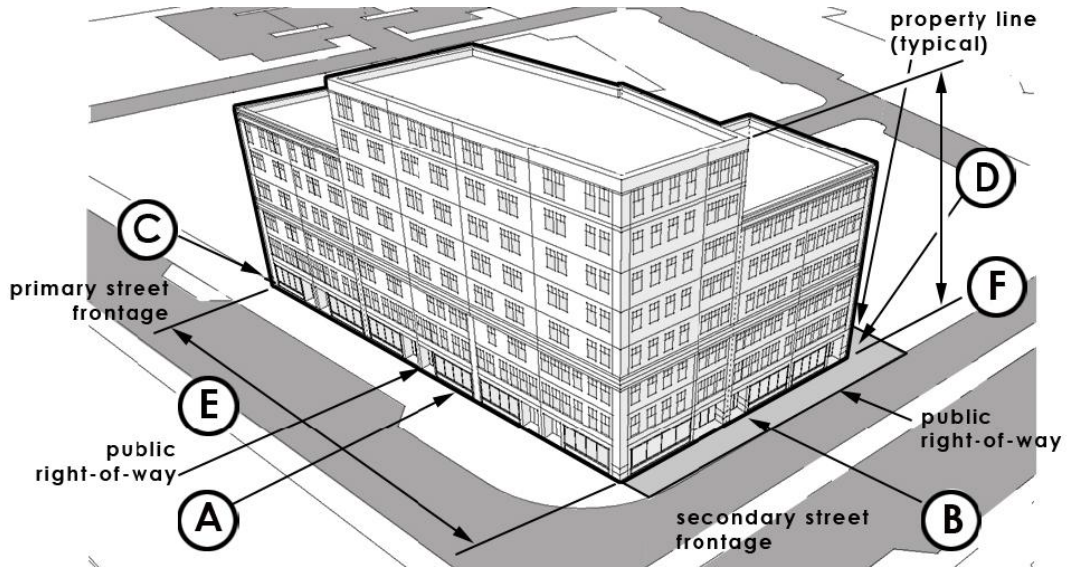
Examples of Great Falls Metropolitan T-6

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 69, 3-15-2021)

Sec. 60-552.1. Building placement and configuration T-6.



Elevated Building Placement

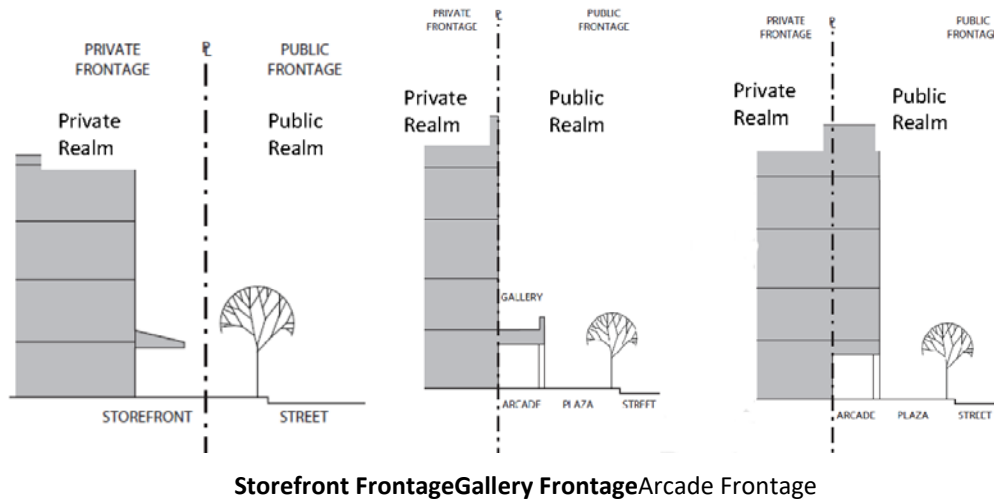


Building Placement on Lot

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:	0*—5 ft. Min. *Subject to Building Permit Approval	(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:		
Building Width:	14 ft. Min, 230 ft. Max.	(E)
Building Height Minimum:	4 Story Min.	(F)
Building Height Maximum:	8 Story Max. (excluding attic story)	(F)

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-552.2. Building frontages T-6.



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 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	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.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 70, 3-15-2021)

Sec. 60-552.3. External elements T-6.

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:	<u>Residential</u> - 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. <u>Commercial</u> - 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.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-553. Conservation/Open Space C/OS.

The conservation/open space district is reserved for natural resource and compatible open space uses such as agriculture and forestry, low-intensity recreation, facilities that provide water access and similar low impact uses. Uses that involve significant development or impervious surfaces should not be allowed in this district. Uses such as utility lines and roads may be located within the district if there is no practical alternative.

(Ord. No. 11-03012021, 3-15-2021; Ord. No. 30-06212021, 7-19-2021)

Sec. 60-554. Form based code use and parking matrix.

Key:	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU	Dwelling unit
=	

USE(1)	T-4.1	<u>T-4.2B</u>	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS (2)
Residential Type Use							
Single Family	P	<u>P</u>	P	P			1 sp/DU
Duplex	P	<u>P</u>	P	P	P	P	1 sp/DU
Townhouse	P	<u>P</u>	P	P	P	P	1 sp/DU
Multi-Family	P	<u>P</u>	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & Breakfast < 4 Rooms	S	<u>S</u>	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & Breakfast > 4 Rooms	S	<u>S</u>	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	<u>X</u>	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/Child Care Facility	S	<u>S</u>	S	S	S	P	½ sp/employee plus 1 sp/ 8 users
Home Occupation	P	<u>P</u>	P	P	P	P	Based on Use Type (Ch. 60, Art. IX)
Community Based Residential Facilities	P	<u>S</u>	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding House/ Lodginghouse	P	<u>S</u>	P	P	S	X	1 sp/guestroom plus 1 sp/employee
Office/Service Type Use							
Professional Offices	S	<u>S</u>	S	P	P	P	None
Medical and Dental Clinics	S	<u>S</u>	S	P	P	P	None
Personal Services	S	<u>S</u>		P	P	P	None
Retail Type Use							
General Retail	S	<u>S</u>	S	P	P	P	None

Age Restricted Retail (3)	S	<u>X</u>	S	S	S	S	None
Specialty Shops	S	<u>P</u>	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	<u>S</u>	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		<u>X</u>	S	S	P	P	None
Halls, Private Clubs, Indoor Amusement	S	<u>S</u>	S	S	P	P	None
Artist Studios, Performing Art Center	S	<u>S</u>	S	P	P	P	None
Civic							
Church or Places of Worship	S	<u>S</u>	S	P	P	P	None
Government Offices	X	<u>S</u>	X	P	P	P	None
Art Galleries	S	<u>P</u>	P	P	P	P	None
Transportation Facilities	X	<u>X</u>	X	S	S	S	None
Adaptive Reuse of Structures of Community Significance	S	<u>S</u>	S	S	S	S	None
<u>Public Safety Services (4)</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>None</u>
<u>Government Service (4)</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>None</u>
<u>Municipal or public utilities and communication facilities (4)</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>None</u>
<u>Municipal services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>None</u>
<u>Detention Facility (4)</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>S</u>	<u>X</u>	<u>None</u>

Notes:

- (1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.
- (2) *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.
- (3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.
- (4) All projects shall provide a community impact and needs analysis with review and approval from city council or its designee,

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021)

Subdivision II. Form Based Code Administration

Sec. 60-555. Form based code administration.

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 section 60-33 et seq. (General Provisions) unless specifically stated otherwise in sections 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 section 60-45.

(Ord. No. 04-03072016, 5-16-2016)

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 square feet.
- (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 three or more lots over a five-year period or a project creating more than three 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 percent.
- (5) 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 a complete Special Exception and Site Plan Review application for Planning Board review and action.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-557. Applicability.

- (a) 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.
- (b) 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.

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-558. Form based code development application procedure.

(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, sections 60-548 through 60-552; including all sections on purpose, building placement and configuration, building frontages, external elements, lot layout, the Parking and 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 five 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.
- (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 sections 60-548 through 60-552; including all sections on purpose, building placement and configuration, building frontages, external elements, lot layout, the Parking and 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.

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- (5) Applications not meeting all the requirements of the form based code may include waiver as per section 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 section 60-1277, site plan review.

(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.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 41, 3-15-2021)

Secs. 60-559—60-576. Reserved.

DIVISION 15. INDUSTRIAL DISTRICT

Sec. 60-577. Purpose.

This district is intended to provide for those manufacturing, processing, transportation and storage uses which should be separated from other uses by reason of characteristics which may conflict with other uses. The exclusion of residential and commercial uses is intended to promote the economic welfare of the city by reserving especially suited areas for industry.

(Ord. of 9-21-2009, § 3.71A)

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.

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- (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 as defined in section 60-1501 in accordance with applicable FAA regulations if within the airport overlay zone.
 - (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 subsection 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 14, article XVIII of this Code.

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- (28) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of this Code, 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.

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- (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 as defined in section 60-1501.

(38) Public Safety Service or Services

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(39) Correctional Institution

a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(40) Government Services

(41) Government Offices

(42) Municipal or Public Utilities and Communication Facilities

(Ord. of 9-21-2009, § 3.71B; Ord. 11-09062011-02, 9-6-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 08-05202019, 6-3-2019; Ord. No. 02-02242020, 3-2-2020; Ord. No. 11-03012021, § 35, 3-15-2021)

Sec. 60-579. Dimensional regulations.

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

- (1) *Minimum lot width and depth.* Each lot shall have not less than 150 feet width. No lot shall be less than 250 feet in depth.

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- (2) *Density.* Not more than 40 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 50 feet or 20 percent of the average depth of the lot, whichever is less.
 - b. *Side.* There shall be a distance of five feet between any building and the side property line, plus the side yard setback shall be increased one foot for every three feet or part thereof increased in street frontage over 60 feet to a maximum of 35 feet for side yard setback.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 35 feet or 15 percent of the average depth of the lot, whichever is less. No front yard need be any deeper than the average depth of 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 35 feet shall be considered as having a front yard of 35 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 are required to be kept open and unbuilt on may be used, if otherwise lawful, for outdoor storage of articles, supplies and materials except that such storage shall be screened from the view of abutting residential property owners and/or street by a solid wall or evergreen hedge.
 - g. *Landscaping.* Landscaping shall be provided and maintained as follows:
 - 1. Within a parking lot, landscaping shall be provided in an amount equal to ten percent of the area of the parking lot.
 - 2. The perimeter of a principal building, except for entrances and loading doors, shall be landscaped in an amount equal to 20 percent of the building footprint. Emphasis shall be given to the front and sides of the building.
 - 3. All lots which abut the side or rear lot line of a lot in a residential district or use shall be screened from said lot 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.
 - 4. Side and rear lot lines between nonresidential uses shall be planted with evergreen trees in the same manner as subsection (3)g3 of this section, except that the width of the screened buffer line shall not be less than 15 feet.
 - 5. 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. Evergreen trees shall be used as required in subsections (3)g3 and (3)g4 of this section Trees shall be a minimum of six feet at the time of planting. Where possible, existing trees shall be preserved, building shall be oriented with respect to natural landscape features, topography and natural drainage areas.
- (4) *Height.* Buildings shall not exceed 75 feet in height, except in the airport approach zone where Federal Aviation Administration height regulations shall apply.

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- (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 article V of this chapter.

(Ord. of 9-21-2009, § 3.71C; Ord. No. 11-03012021, § 36, 3-15-2021)

Secs. 60-580—60-606. Reserved.