

3.3 **Resource District**

3.31 **Agriculture and Resource Protection District**

A. **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 of Auburn 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 Section.

B. **Use Regulations**

1. **Permitted Uses** – The following uses are permitted:

- a. One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Subsection C.9., as set forth in Article 5 of this Chapter, accessory to farming operations subject to the following restrictions:
  - (1) 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 substantially completed.
  - (2) In no case shall any farm residence constructed under the provisions of this Subsection after the effective date of this amended ordinance 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.

- (3) Any residence constructed under this Section shall not be converted to non-farm 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 Section.
  - b. Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
  - c. Forest products raised for harvest.
  - d. Field crop farms.
  - e. Row crop farms.
  - f. Orchard farms.
  - g. Truck gardens.
  - h. Plant and tree nurseries.
  - i. Greenhouses.
  - j. Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
  - k. 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.
  - l. Wayside stands.
  - m. Two Family Dwellings which are created from the conversion of a One Family Dwelling structure which was constructed prior to 1900.
2. **Special Exception Uses** – The following uses are permitted by Special Exception after approval by the Planning Board in accordance with the provisions of Article 7, Section 7.2:

- a. Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
  - (1) 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.
  - (2) 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.
  - (3) 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.
- b. Veterinary hospitals where operated by licensed veterinarians including offices and facilities for temporarily boarding animals.
- c. Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
- d. Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to non-farm 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 Section. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
- e. Recreational uses of land intended or designed for public use subject to the following conditions:
  - (1) No such recreational use shall be expanded or extended so as to occupy additional land area

greater than 20% 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.

- (2) 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.
- f. Any legally non-conforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
- (1) Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning ordinance provisions which would otherwise be applicable except for the provisions of Article 5 of this Chapter.
  - (2) In cases where no minimum set-back is established by Section 5.4 an open yard space of at least 10 feet between the building as reconstructed and each of the property lines shall be maintained.
- g. Rifle, pistol, skeet or trap shooting ranges, public or private.
- h. Cemeteries, subject to the following conditions:
- (1) At least 20 acres in area.
  - (2) Not located in any environmental overlay district or over any known aquifer.
- i. Municipal sanitary landfill, subject to the following conditions:

- (1) Not located in any environmental overlay district or over any known aquifer.
  - (2) Provisions shall be made to avoid surface and groundwater pollution.
  - (3) Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
- j. Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
- (1) Every such tower shall be installed in a location and manner that assures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
  - (2) In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- k. Wholesale nurseries, subject to the following conditions:
- (1) At least one-half of the area of the lot (up to a maximum of 3 acres) is in active nursery production in a husband type manner.
  - (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.
- l. Processing and storage of compost and bulking agents from the Municipal Waste Water Sewerage Sludge Facility provided that:
- (1) All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the Planning Board.

- (2) All Federal, State and local ordinances and laws relating to the processing and storage of waste are complied with.
- (3) An End-Use Plan must be filed as part of the Planning Board process.

C. **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 acres; exclusive of any bodies of water having a surface area of ¼ acre or more; and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.

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 Subsection shall not be construed to prevent the construction of non-residential accessory farm buildings on any such lot.

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 animal farm contained in Section 2.2 of this Chapter.

2. **Density** – The density of year round dwelling units shall not exceed an average of one dwelling per ten acres.
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% 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 of 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 4 of this Chapter.