

DIVISION 2. – AGRICULTURE AND RESOURCE PROTECTION DISTRICT

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 60-173, as set forth in article XII of this chapter, accessory to farming operations subject to the following restrictions:
 - a. 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.
 - b. 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.
 - c. 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.
- ~~(15)~~ (16) Ground-mounted and dual use Solar Energy Generating Systems less than one acre in total land area.

(b) *Special exception uses.* The following uses are permitted by special exceptions after approval by the planning board in accordance with the provisions of division 3 of article XVI 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.
- (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.
 - 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 a.m. and 8 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
 - 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) Ground-Mounted and Dual-Use Solar Energy Generating Systems Greater than one acre in total land area.

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

Sec. 60-1425. – Definitions

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

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

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

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

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

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

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

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

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

Sec. 60-1426. – Purpose.

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

Sec. 60-1427. – Applicability.

This section shall apply to all SEGS except the following:

- a. SEGS for municipal use.

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

Sec. 60-1428. – Administrative Procedures.

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

Sec. 60-1429. – Application Requirements.

- (a) *SEGS permitted by special exception.* In addition to the submission requirements of site plan review, an application for a SEGS permitted as a special exception shall contain the following information:
 - (1) All SEGS permitted by Special Exception shall be subject to the Special Exception and Site Plan Review procedures specified in Article XVI, Divisions 2 and 3 of this chapter.
 - (2) A narrative describing the proposed SEGS, including an overview of the project; the project location; the total rated capacity of the solar energy system; dimensions of all components and respective manufacturers; and a description of associated facilities and how the system and associated facilities comply with the standards of this ordinance.
 - (3) An accurate scaled site plan of the subject property showing the planned location of the proposed SEGS and all associated facilities; property lines, adjoining streets and access; topographic contour lines; existing and proposed buildings; fencing; structures; potential shade from nearby trees and structures; vegetation; driveways, parking and curb cuts on the subject property; specifications for all proposed electrical cabling/transmission lines, accessor equipment and landscaping, including the tallest finished height of the solar collectors and name, address, phone number and signature of the project proponent, as well as co-proponents or property owners, if any, the names, contact information and signature of any agents representing the project proponent. The site plan shall show any proposed off-site modifications to provide grid connections, access the installation, or to maintain the proposed solar energy system.
 - (4) Information on any connections to the grid including evidence of meeting the local electric utility's transmission and distribution interconnection requirements (this may be a condition of approval if a copy of the application for interconnection with the electric utility provider is submitted).
 - (5) Documentation that the solar generation equipment has been approved under the UL certification program and that the system complies with all applicable local, state and federal codes/regulations with the standards regarding signal interference. Electrical component and connection information shall be in sufficient detail to allow for a determination that it meets Maine electrical codes.

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

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

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

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

Sec. 60-1430. – Approval.

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

(1) *Yard requirements.*

(a) All proposed ground-mounted and dual-use SEGS installations which will abut the side or rear lot line of a lot in a residential district or use shall be screened from said lot or use by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart. The minimum width of the screened buffer line shall be 30 feet.

(b) Side and rear lot lines between nonresidential uses shall be planted with evergreen trees in the same manner as subsection (1)a of this section, except the width of the screened buffer line shall not be less than 15 feet.

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

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

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

(5) *Glare.* Solar panels are designed to absorb (not reflect) sunlight and are generally less reflective than other varnished or glass exterior materials. However, solar panel placement should minimize or negate any solar glare impacting nearby properties or roadways, without unduly impacting the functionality or efficiency of the solar energy system.

(6) *Solar Access.* All applicants are encouraged to ensure the maximum solar energy generation from their system by obtaining solar access easements, where necessary. Solar access easements may be filed consistent with Maine State Law. Any property owner may purchase an easement across nearby properties to protect access to sunlight. The easement would be purchased or granted by owners of nearby properties and can apply to buildings, trees, or other structures that would diminish solar access.

(7) *Visual Impact.* Reasonable efforts, as determined by the Planning Board, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures.

- (8) *Lighting.* Ground-mounted solar energy systems lighting shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar energy system shall be directed downward and shall incorporate full cutoff fixtures to reduce light pollution.
 - (9) In unbuilt areas, where possible, SEGS installations shall maintain the permeability of the ground. Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the SEGS or as otherwise prescribed by applicable laws, regulations and bylaws/ordinances.
 - (10) *Operation & Maintenance Plan.* The project proponent shall submit a plan for the operation and maintenance of ground-mounted and dual-use solar energy systems, which shall include measures for maintaining safe access to the installation, stormwater controls, as well as general procedures for operational maintenance of the installation.
- (b) *SEGS permitted by right.* An application for a SEGS permitted by right shall require review and approval by a review committee consisting of the City Planner, City Engineer, Fire Department and a representative of Lewiston-Auburn 911 committee.

Sec. 60-1431. – Abandonment.

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

Sec. 60-1432. – Appeals.

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