SUBCHAPTER III - DOWNTOWN, BUSINESS AND MIXED-USE DISTRICTS

DIVISION A - DOWNTOWN DISTRICT (DT)

SECTION 9-311 PURPOSE (DT)

To retain the historical character of Downtown Hallowell, to allow water-oriented uses, to retain open spaces, to allow residential uses on the upper floors of Downtown buildings, to limit uses along so called Front Street to those which are functionally water-dependent, to avoid uses which require a high volume of truck deliveries, to avoid large expanses of asphalt for parking or exterior storage or display of materials, and to limit future flood damages by limiting the types of uses that can be located in flood-prone buildings.

[Derivation: Section 4.5(A), 1989 Zoning Ordinance]

SECTION 9-312 DESCRIPTION (DT)

The Downtown District (DT) shall generally include those properties on both sides of Water Street between the railroad R-O-W on the north and an area just south of Elm Street on the south including a portion of Winthrop Street and Second Street. The District also includes the old granite shed property (Tax Map 5, Lots 4 & 5).

A portion of the DT District along Winthrop, Second, and Water Streets is designated as the Office/Municipal Sub-District within which the Permitted Uses and Conditional Uses are limited.

The boundaries of the Downtown District (DT) and the Office/Municipal Sub-District are shown on the Official Zoning Map.

[Derivation: Section 4.5(B), 1989 Zoning Ordinance; amended by Ord. 98-1, 5/21/98; Ord. No. 12-01, eff. 1/19/2012; Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-313 PERMITTED USES (DT)

Permitted uses in the Downtown District are:

1. Accessory Buildings;
2. Bed and Breakfast Establishments (see Note 1);
3. Business and Professional Offices;
4. Coin operated or card activated machines providing goods or services, but excluding coin or card activated fuel pumps, without limitation on hours of operation (see Note 2);
5. Essential Services;
6. Financial Institutions;
7. Home occupations;
8. Marijuana Retail Stores, provided that on-premise sales of marijuana and marijuana products are conducted only between the hours of 7:00 a.m. and 9:00 p.m. of the

same day (see Note 2);
9. Municipal Uses or Public Buildings;
10. Residential Uses (see Note 1);
11. Restaurants, provided they operate only during the hours from 6:00 a.m. to 1:00 a.m. of the following day (see Note 2);
12. Retail businesses (except restaurants), providing that on-premise sales are conducted only between the hours of 6:00 a.m. and 11:00 p.m. of the same day (see Note 2);
13. Personal Services;
14. Artist's studios;
15. Art galleries;
16. Theaters and other performance venues (see Note 2); and
17. Churches, Parish Houses, Rectories, Convents (see Note 1).

Note 1 – Residential uses shall be permitted only above the base flood elevation and shall not be permitted on or below the street level along Water Street between Temple Street and Wilson Lane.

Note 2 – This use is not permitted in the Office/Municipal Sub-District of the DT District.

[Derivation: Section 4.5(C), 1989 Zoning Ordinance as amended 6/12/95; amended by Ord. 98-1, 5/21/98; Ord. No. 12-10, eff. 10/19/2012; Ord. No. 18-15, eff. 11/23/2018; Ord. No. 20-03, eff. 02/20/2020]

SECTION 9-314 CONDITIONAL USES (DT)

Conditional uses in the Downtown District are:

1. All areas: Functionally water-dependent uses.

2. All areas exclusive of so called Front Street:

   A. Clubs (see Note 3);
   B. Commercial Indoor Recreation Center (see Note 3);
   C. Community Centers (see Note 3);
   D. Hotels, Inns (see Note 3);
   E. Light Manufacturing (see Note 3);
   F. Meeting and Conference Center (see Note 3);
   G. Parks & Playgrounds; and
   H. Recreational Facilities.

Note 3 – This use is not allowed as a Conditional Use in the Office/Municipal Sub-District of the DT District.

[Derivation: Section 4.5(D), 1989 Zoning Ordinance; Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-315 NON-PERMITTED USES (DT)

Any use not permitted in Sections 9-313 and 9-314 above.

[Derivation: Section 4.5(E), 1989 Zoning Ordinance; Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-316 DIMENSIONAL REQUIREMENTS (DT)

The following dimensional requirements apply to the uses allowed in this district, including the expansion of existing uses, the conversion of one use to another use, and to new uses.

1. Minimum Land Area in square feet

   A. Residential (per dwelling unit): 0.

   B. Commercial, all other (per use): 0.

2. Minimum setback from street right-of-way: 0 feet.

3. Minimum side, rear yards: 0 feet.

4. Minimum street frontage: 0 feet.

5. Minimum lot depth: 0 feet.

6. Maximum building height: 35 feet as measured from the Water Street grade on buildings facing Water Street and primary access grade on all others in the district. The maximum height may be increased to reflect a uniform height of existing buildings along the street. This shall be calculated by obtaining the average height of buildings found next to both sides of the property, along the same side of the street for a distance of at least 100 feet in each direction as measured from the side property line. The building height may be increased to the average height; however in no case shall it be more than 8 feet higher than the buildings abutting the property.

7. Minimum shore frontage: 0 feet.

8. Minimum shore setbacks from normal high water mark

   A. Functionally water-dependent uses: 0 feet.

   B. All other uses: 50 feet.

[Derivation: Section 4.5(F), 1989 Zoning Ordinance; Ordinance No.: 03-03, Effective March 21, 2003; Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-317 PERFORMANCE STANDARDS (DT)

Permitted and Conditional Uses allowed in this district shall be subject to the performance standards contained in Subchapter VI of this Chapter. In addition to the requirements of this section, construction activities in the DT District may be subject to the historic District provisions found in Division C.

[Derivation: Section 4.5(G), 1989 Zoning Ordinance; Ord. No. 12-10, eff. 10/19/2012]

SECTIONS 9-318 THROUGH 9-320 (Reserved)

DIVISION B - NORTHERN GATEWAY BUSINESS A DISTRICT (BA)

SECTION 9-321 PURPOSE (BA)

To provide space for new business growth in a manner that provides for the extension of the character of Downtown and creates a transition to the commercial district in the City of Augusta, and to avoid large expanses of asphalt for parking or exterior storage or display of materials.

[Derivation: Section 4.6(A), 1989 Zoning Ordinance; Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-322 DESCRIPTION (BA)

The Northern Gateway Business A District (BA) generally includes the land that fronts on Water Street north of the railroad underpass to the City limit.

The boundaries of the Northern Gateway Business A District (BA) are shown on the Official Zoning Map.

[Derivation: Section 4.6(B), 1989 Zoning Ordinance; amended by Ord. 98-1, 5/21/98; Ord. No.: 05-05, eff. June 23, 2005; Ord. No. 12-01, eff. 1/19/2012; Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-323 PERMITTED USES (BA)

Permitted uses in the Northern Gateway Business A District are:

1. Accessory Buildings and Structures;
2. Amusement Centers;
3. Automobile Service and Sales Businesses (see Note 4);
4. Business and Professional Offices;
5. Coin-operated or card-activated machines providing goods or services, including but not limited to vending machines, telephones, automatic tellers, and fuel pumps, without limitation on hours of operation;
6. Commercial Centers and Complexes (see Note 5);
7. Commercial Indoor Recreation Centers;
8. Community Centers;
9. Duplexes;
10. Essential Services;
11. Financial Institutions;
12. Home Occupations;
13. Hotels, Motels, Inns, Bed and Breakfast Establishments;
14. Light Manufacturing (see Note 5);

15. Marijuana Retail Stores, provided that on-premise sales are conducted only between the hours of 7:00 a.m. and 9:00 p.m. of the same day (see Note 6);
16. Multi-Family Dwellings;
17. Personal Services;
18. Restaurants provided they operate only during the hours from 6:00 a.m. to 1:00 a.m. of the following day;
19. Retail Businesses (except restaurants) provided that on-premise sales are conducted only between the hours of 6:00 a.m. and 11:00 p.m. of the same day;
20. Single-family Dwellings;
21. Wholesale Businesses (see Note 5); and
22. Churches, Parish Houses, Rectories, Convents.

Note 4 – This use is limited to those lots north of Park Street that were in use for an automobile service and sales business as of April 1, 2011. No lot that was not in use for this purpose as of April 1, 2011 may be used for this purpose including for the expansion of a use existing on another lot.

Note 5 – This use is allowed only on lots north of Park Street and is limited to a gross floor area of a maximum of 10,000 (ten thousand) square feet.

Note 6 – This use is allowed only on lots whose current use, as of June 11, 2018, is at least 60% non-residential, based on the total floor area of all structures on the lot.

[Derivation: Section 4.6(C), 1989 Zoning Ordinance as amended 2/7/94; amended by Ord. 98-1, 5/21/98; Ord. No. 12-10, eff. 10/19/2012; Ord. No. 18-15, eff. 11/23/2018; Ord. No. 20-03, eff. 02/20/2020]

SECTION 9-324 CONDITIONAL USES (BA)

Conditional uses in the Northern Gateway Business A District are:

1. Adult Business Establishments;
2. Boarding Homes;
3. Cemetery;
4. Clubs;
5. Controlled Environment Agriculture (CEA) (see Note 7);
6. Funeral Homes;
7. Indoor Marijuana Cultivation Facilities (see Note 7);
8. Marijuana Products Manufacturing Facilities;
9. Marijuana Testing Facilities (see Note 7);
10. Municipal Uses or Public Buildings;
11. Nursing Homes;
12. Public Library;
13. Recreational Facilities; and
14. Towers.

Note 7 – This use is allowed only on lots whose current use, as of June 11, 2018, is at least 60% non-residential, based on the total floor area of all structures on the lot.

[Derivation: Section 4.6(D), 1989 Zoning Ordinance as amended 9/28/92; Ord. No. 12-10, eff. 10/19/2012; Ord. No. 18-15, eff. 11/23/2018; Ord. No. 20-03, eff. 02/20/2020]

SECTION 9-325 NON-PERMITTED USES (BA)

Any use not permitted in Sections 9-323 and 9-324 above.

[Derivation: 1989 Zoning Ordinance; Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-326 DIMENSIONAL REQUIREMENTS (BA)

The following dimensional requirements apply to the uses allowed in this district, including the expansion of existing uses, the conversion of one use to another use, and new uses:

1. Minimum Land Area in square feet

   A. Residential (per dwelling unit): 5,000 for the first unit, 2,500 for each additional unit.

   B. Commercial, all other (per use): 5,000.

2. Minimum setback from street right-of-way: 10 feet. The setback from the street right-of-way of any structure may be reduced to less than the required minimum setback to reflect a uniform setback of existing buildings along the street. The reduced minimum setback shall be calculated by obtaining the average street setback of buildings found next to both sides of the property, along the same side of the street for a distance of at least two hundred (200) feet in each direction as measured from the property line. The minimum setback for buildings and structures from the street right-of-way may be reduced to the calculated average existing setback.

3. Minimum side, rear yards: 20 feet, or the height of the building, whichever is greater.

4. Minimum street frontage: 100 feet on a public or private road.

5. Minimum lot depth: 100 feet.

6. Maximum building height: 35 feet. The maximum height may be increased to reflect a uniform height of existing buildings along the street. This shall be calculated by obtaining the average height of buildings found next to both sides of the property, along the same side of the street for a distance of at least 200 feet in each direction as measured from the side property line. The building height may be increased to the average height; however in no case shall it be more than 8 feet higher than the buildings abutting the property.

7. Minimum roof pitch: 23 degrees. For commercial structures, this may be achieved by an awning/overhang.

8. Minimum shore frontage: 100 feet for commercial, all other (per use); measured in a

straight line between the points of intersection of the side lot lines with the shoreline at normal high water elevation.

9. Minimum shore setbacks from normal high water mark

   A. Residential: 75 feet.

   B. Functionally water-dependent uses: 0 feet.

   C. Commercial, all other: 75 feet.

[Derivation: Section 4.6(F), 1989 Zoning Ordinance; Ord. No.: 03-03, eff. March 21, 2003; Ord. No. 08-12, eff. 11/20/08; Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-327 PERFORMANCE STANDARDS (BA)

Permitted and Conditional Uses allowed in this district shall be subject to the performance standards contained in Subchapter VI of this Chapter.

In addition to the requirements of Section 9-326, any new principal building shall conform to the following design standards. The modification of any existing building that increases the building footprint or the gross floor area of the building existing as of April 1, 2012 by more than fifty percent (50%) shall conform to these design standards to the extent practical as determined by the Planning Board:

1. Maximum building setback – The closest portion of the front wall of the building must be located within fifteen (15) feet of the front property line.

2. Minimum building height – The building must have a minimum of two usable stories. The usable area of the second floor must be not less than fifty percent (50%) of the usable area of the first floor.

3. Parking lot location – Any parking lot with space for five (5) or more vehicles must be located to the side or rear of the building so that any parking space is further from the front property line than the front wall of the principal building.

4. Pedestrian area – The area between the front wall of the building and the front property line extending the full width of the building must be maintained and improved as a pedestrian space. No parking, access drives, or service or storage areas may be located within this area unless the Planning Board finds that vehicular use of this area is essential for the use and operation of the property.

5. Orientation of the building and front door – The front of the building must face Route 201. A usable entrance door must be located in the front façade of the building or in the front corner of the building.

6. Architectural style of the building – The architectural character of new or expanded buildings shall be similar to the buildings on Water Street from Winthrop Street north to the railroad overpass. This standard does not require that new buildings look like the existing buildings but the overall mass and scale of the buildings as well as the placement of windows and the treatment of the front façade should reflect the character of the existing buildings.

7. Streetscape buffer strip – A vegetated buffer strip shall be established and maintained along the property line(s) adjacent to any public street. The buffer strip shall be at least ten (10) feet in width on the lot. The buffer shall extend the full width of the lot except where it is crossed by driveways, sidewalks, or utilities. The buffer strip should be designed to enhance the character of the building and to visually separate the building and parking from the street. The strip must be improved with landscaping or natural vegetation and may include pedestrian amenities that are hardscape.

[Derivation: Section 4.6(G), 1989 Zoning Ordinance; Ord. No. 12-10, eff. 10/19/2012]

SECTIONS 9-328 THROUGH 9-350 (Reserved)

DIVISION C - BUSINESS B DISTRICT (BB)

SECTION 9-351 PURPOSE (BB)

To provide for a wide variety of commercial and industrial uses, including those which generate a large traffic volume or truck deliveries.

[Derivation: Section 4.7(A), 1989 Zoning Ordinance]

SECTION 9-352 DESCRIPTION (BB)

The Business B District (BB) shall generally include the land west of the Maine Turnpike and north of Winthrop Street. The District runs west along Winthrop Street approximately 450 feet from the intersection of Winthrop Street and Whitten Road, after which it runs in a northerly direction to the City line.

The boundaries of the Business B District (BB) are shown on the Official Zoning Map.

[Derivation: Section 4.7(B), 1989 Zoning Ordinance; amended by Ord. 98-1, 5/21/98; Ord. No. 12-01, eff. 1/19/2012; Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-353 PERMITTED USES (BB)

Permitted uses in the Business B District are:

1. Essential Services

[Derivation: Section 4.7(C), 1989 Zoning Ordinance]

SECTION 9-354 CONDITIONAL USES (BB)

Conditional uses in the Business B District are:

1. Amusement Centers;
2. Business & Professional Offices;
3. Coin-operated or card-activated machines providing goods or services, including but not limited to vending machines, telephones, automatic tellers, and fuel pumps, without limitation on hours of operation;
4. Commercial Centers;
5. Commercial Complexes;
6. Commercial Indoor Recreational Facilities;
7. Controlled Environment Agriculture (CEA);
8. Financial Institutions;
9. Hotels, Motels, Inns;
10. Indoor Marijuana Cultivation Facilities;
11. Manufacturing;
12. Marijuana Products Manufacturing Facilities;
13. Marijuana Testing Facilities;
14. Recycling Center;
15. Utilities;
16. Warehousing;
17. Wholesale Businesses; and
18. Churches, Parish Houses, Rectories, Convents.

[Derivation: Section 4.7(D), 1989 Zoning Ordinance as amended 9/28/92; amended by Ord. 98-1, 5/21/98; Ord. No. 12-10, eff. 10/19/2012; Ord. No. 18-15, eff. 11/23/2018; Ord. No. 20-03, eff. 02/20/2020]

SECTION 9-355 NON-PERMITTED USES (BB)

Any use not permitted in Sections 9-353 and 9-354 above.

[Derivation: Section 4.7(E), 1989 Zoning Ordinance; Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-356 DIMENSIONAL REQUIREMENTS (BB)

The following dimensional requirements apply to the uses allowed in this district, including the expansion of existing uses, the conversion of one use to another use, and new uses.

	With City Water, Sewer	City Water Unsewered	No City Water Unsewered
1. Minimum Land Area, in square feet			
A. Commercial, all other (per use)	40,000	60,000	80,000

2. Minimum setback from street right-of-way, 50 feet 50 feet 50 feet

3. Minimum side, rear yards: 25 feet or the height of the building, whichever is greater. Any commercial/business lot that abuts a residential zone shall have a 100 foot landscaped setback from the residential zone.

4. Minimum street frontage: 200 feet on a public or private road.

5. Minimum lot depth: 100 feet.

6. Maximum building height: 35 feet.

[Derivation: Section 4.7(F), 1989 Zoning Ordinance; Ordinance No.: 03-03, Effective March 21, 2003; Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-357 PERFORMANCE STANDARDS (BB)

Permitted and Conditional Uses allowed in this district shall be subject to the performance standards contained in Subchapter VI of this Chapter.

In addition to the requirements of Section 9-356, any new principal building shall conform to the following design standards. The modification of any existing building that increases the building footprint or the gross floor area of the building existing as of April 1, 2012 by more than fifty percent (50%) shall conform to these design standards to the extent practical as determined by the Planning Board:

1. Maximum building footprint – The total area of the site covered by the building (or the building footprint) shall be not more than forty thousand (40,000) square feet.

2. Maximum gross floor area – The sum of the usable area of all of the floors in the building that is enclosed within the exterior walls of the building shall be not more than fifty thousand (50,000) square feet.

3. Parking lot location – Any parking lot with space for five (5) or more vehicles must be located to the side or rear of the building so that any parking space is further from the front property line than the front wall of the principal building.

4. Streetscape buffer strip – A vegetated buffer strip shall be established and maintained along the property line(s) adjacent to any public street. The buffer strip shall be at least twenty (20) feet in width on the lot. The buffer shall extend the full width of the lot except where it is crossed by driveways, sidewalks, or utilities. The buffer strip should be designed to enhance the character of the building and to visually separate the building and parking from the street. The strip must be improved with landscaping or natural vegetation and may include pedestrian amenities that are hardscape.

[Derivation: Section 4.7(G), 1989 Zoning Ordinance; Ord. No. 12-10, eff. 10/19/2012]

DIVISION D - BUSINESS C DISTRICT (BC)

SECTION 9-371 PURPOSE (BC)

To provide for a variety of moderate commercial and business uses which generate low-traffic flow and are subject to exterior design standards which are compatible with the surrounding rural character. Entry to these BC zones shall be on either side, limited to a single road extending generally south and north from Winthrop Street or Central Street. A 50-foot Buffer Zone shall be required along the easterly edge of the BC zone that is east of the Turnpike.

[Derivation: Ordinance No.: 03-12, Effective: September 18, 2003; Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-372 DESCRIPTION (BC)

The Business C District (BC) shall generally include the land west of the Maine Turnpike, east of Bombahook Stream, south of Winthrop Street and including the former BB District south of Central Street and including the Vaughan lot south of former BB District. In addition the BC District includes the land adjacent to and immediately east of the Turnpike north of Winthrop Street to the Augusta line and south of Winthrop Street extending to the State of Maine parcel. This portion BC District east of the Turnpike shall be limited to 650 feet from the Turnpike Right of Way except that it shall include all of Lot 1E on Tax Map 2.

The boundaries of the Business C District (BC) are shown on the Official Zoning Map.

[Derivation: Ordinance No.: 03-12, Effective September 18, 2003; Ord. No. 09-09, Effective December 17, 2009; Ord. No. 12-01, eff. 1/19/2012; Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-373 (Reserved)

SECTION 9-374 CONDITIONAL USES (BC)

1. Business and Professional Offices;
2. Community Centers;
3. Churches, Parish Houses, Rectories, Convents;
4. Controlled Environment Agriculture (CEA);
5. Essential Services;
6. Financial Institutions;
7. Indoor Marijuana Cultivation Facilities;
8. Marijuana Products Manufacturing Facilities;
9. Marijuana Testing Facilities;
10. Nursing Homes, Continuing Care Facilities, and Residential Care Facilities;
11. Public Utilities.

[Derivation: Ordinance No.: 03-12, Effective: September 18, 2003; Ord. No. 12-10, eff. 10/19/2012; Ord. No. 18-15, eff. 11/23/2018; Ord. No. 20-03, eff. 02/20/2020]

SECTION 9-375 NON-PERMITTED USES (BC)

Any use not permitted in Section 9-374 above.

[Derivation: Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-376 DIMENSIONAL REQUIREMENTS (BC)

The following dimensional requirements apply to the uses allowed in this District, including the expansion of existing uses, the conversion of one use to another use, and new uses.

1. Minimum Land Area, in square feet

   A. Commercial, all other (per use) 90,000

2. Minimum setback from street right-of-way 40 feet

3. Minimum side, rear yards, 25 feet, or the height of the building, whichever is greater. Any commercial/business lot that abuts a residential zone shall have a 50 foot landscaped setback from the residential zone.

4. Minimum street frontage: 300 feet on a public or private road.

5. Minimum lot depth: 300 feet.

6. Maximum building height: 35 feet. The maximum height may be increased to reflect a uniform height of existing buildings along the street. This shall be calculated by obtaining the average height of buildings found next to both sides of the property, along the same side of the street for a distance of at least 200 feet in each direction as measured from the side property line. The building height may be increased to the average height; however in no case shall it be more than 8 feet higher than the buildings abutting the property.

7. Minimum shore frontage: 300 feet.

8. Minimum shore setbacks from normal high water mark: 75 feet.

[Derivation: Ordinance No.: 03-03, Effective March 21, 2003; Ordinance No.: 03-12, Effective: September 18, 2003; Ord. No. 11-02b, eff. 8/18/2011; Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-377 PERFORMANCE STANDARDS (BC)

Permitted and Conditional Uses allowed in this district shall be subject to the performance standards contained in Subchapter VI of this Chapter.

In addition to the requirements of Section 9-376, any new principal building shall conform to the following design standards. The modification of any existing building that increases the building footprint or the gross floor area of the building existing as of April 1, 2012 by more than fifty percent (50%) shall conform to these design standards to the extent practical as determined by the Planning Board:

1. Maximum building footprint – The total area of the site covered by the building (or the building footprint) shall be not more than fifteen thousand (15,000) square feet.

2. Maximum gross floor area – The sum of the usable area of all of the floors in the building that is enclosed within the exterior walls of the building shall be not more than twenty-five thousand (25,000) square feet.

3. Parking lot location – Any parking lot with space for five (5) or more vehicles must be located to the side or rear of the building so that any parking space is further from the front property line than the front wall of the principal building.

4. Streetscape buffer strip – A vegetated buffer strip shall be established and maintained along the property line(s) adjacent to any public street. The buffer strip shall be at least twenty (20) feet in width on the lot. The buffer shall extend the full width of the lot except where it is crossed by driveways, sidewalks, or utilities. The buffer strip should be designed to enhance the character of the building and to visually separate the building and parking from the street. The strip must be improved with landscaping or natural vegetation and may include pedestrian amenities that are hardscape.

5. Zoning District buffer strip – A vegetated buffer strip shall be established along the eastern boundary of the BC District. The buffer strip should be designed to enhance the character of the development and to visually separate and screen the development from adjacent land and buildings that are outside of the BC District. The strip must be improved with landscaping or natural vegetation and may include berms, fencing, stone walls, or similar features to enhance the appearance and function of the buffer.

6. Vehicular access across municipal boundary – No public or private road or access drive shall be established that allows vehicular access to or from the land within the BC District to land within the City of Augusta except for controlled or gated accesses to provide for emergency or utility vehicle or landowner travel across the boundary.

[Derivation: Division D added by Ord. No. 98-1, 5/21/98, and amended by Ord. No. 00-10, Eff. 7/20/00; Ord. No. 12-10, eff. 10/19/2012]

DIVISION E - SOUTHERN GATEWAY BUSINESS D DISTRICT (BD)

SECTION 9-378 PURPOSE (BD)

To provide for a mixed-use gateway along the southern end of Water Street that maintains the established character of the area while creating a transition between Downtown and Farmingdale.

[Derivation: Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-379 DESCRIPTION (BD)

The Southern Gateway Business D District (BD) generally includes the land that has its primary access from Water Street south of where the railroad R-O-W crosses Water Street to the City limit with Farmingdale.

The boundaries of Southern Gateway Business D District (BD) are shown on the Official Zoning Map.

[Derivation: Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-380 PERMITTED USES (BD)

Permitted uses in the Southern Gateway Business D District are:

1. Accessory Buildings and Structures;
2. Bed and Breakfast Establishments
3. Business and Professional Offices;
4. Child Care Centers or Homes;
5. Churches, Parish Houses, Rectories, Convents;
6. Community Centers;
7. Duplexes;
8. Essential Services;
9. Financial Institutions;
10. Home Occupations;
11. Personal services; and
12. Single family dwellings.

[Derivation: Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-381 CONDITIONAL USES (BD)

Conditional uses in the Southern Gateway Business D District (BD) are:

1. Boarding Homes;

2. Coin-operated or card-activated machines providing goods or services, including but not limited to vending machines, telephones, automatic tellers, and fuel pumps, without limitation on hours of operation;
3. Commercial Indoor Recreation Centers;
4. Controlled Environment Agriculture (CEA);
5. Hotels, Motels, Inns;
6. Indoor Marijuana Cultivation Facilities, up to a maximum of 3,000 sq. ft. of plant canopy;
7. Light Manufacturing: [Only along Water Street south of Greenville Street to the Farmingdale line].
8. Marijuana Products Manufacturing Facilities;
9. Marijuana Retail Stores, provided that on-premise sales are conducted only between the hours of 7:00 a.m. and 9:00 p.m. of the same day;
10. Marijuana Testing Facilities;
11. Multi-Family Dwellings;
12. Municipal Uses or Public Buildings;
13. Nursing Homes;
14. Parks & Playgrounds
15. Restaurants;
16. Public and Private Schools;
17. Public Utility;
18. Recreational Facilities;
19. Retail Businesses with a maximum gross floor area of five thousand (5,000) square feet; and
20. Wholesale Businesses.

[Derivation: Ord. No. 12-10, eff. 10/19/2012; Ord. No. 18-15, eff. 11/23/2018; Ord. No. 20-03, eff. 02/20/2020]

SECTION 9-382 NON-PERMITTED USES (BD)

Any use not permitted in Sections 9-380 and 9-381 above.

[Derivation: Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-383 DIMENSIONAL REQUIREMENTS (BD)

The following dimensional requirements apply to the uses allowed in this district, including the expansion of existing uses, the conversion of one use to another use, and new uses.

1. Minimum Land Area in square feet

   A. Residential (per dwelling unit): 10,000 for the first unit, 5,000 for each additional unit.

   B. Commercial, all other (per use): 5,000.

2. Minimum setback from street right-of-way: 10 feet for existing uses; 25 feet for new uses. The setback from the street right-of-way of any may be reduced to less than the

required minimum setback to reflect a uniform setback of existing buildings along the street. The reduced minimum setback shall be calculated by obtaining the average street setback of buildings found next to both sides of the property, along the same side of the street for a distance of at least two hundred (200) feet in each direction as measured from the property line. The minimum setback for buildings and structures from the street right-of-way may be reduced to the calculated average existing setback.

3. Minimum side yards: 5 feet for existing uses; 15 feet for new non-residential uses.

4. Minimum rear yards: 15 feet for existing uses; 25 feet for new uses.

5. Minimum street frontage: 50 feet on a public or private road.

6. Minimum lot depth: 75 feet.

7. Maximum building height: 35 feet. The maximum height of any structure may be increased to reflect a uniform height of existing buildings along the street. This shall be calculated by obtaining the average height of buildings found next to both sides of the property, along the same side of the street for a distance of at least 200 feet in each direction as measured from the property line. The building height may be increased to the average height; however, in no case shall it be more than 8 feet higher than the buildings abutting the property.

8. Minimum roof pitch: 23 degrees for all uses.

9. Notwithstanding the above, the dimensional requirements herein shall not apply to structures used exclusively to facilitate the supply and distribution of water by a public utility.

[Derivation: Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-384 PERFORMANCE STANDARDS (BD)

In addition to the requirements of Section 9-383, any new principal building shall conform to the following design standards. The modification of any existing building that increases the building footprint or the gross floor area of the building by more than fifty percent (50%) shall conform to these design standards to the extent practical as determined by the Planning Board:

1. Parking lot location – Any parking lot with space for five (5) or more vehicles must be located to the side or rear of the building so that any parking space is further from the front property line than the front wall of the principal building.

2. Orientation of the building – The front of the building must face Route 201.

3. Architectural style of the building – The architectural character of new buildings shall be similar to the existing buildings on east side of Water Street within the district.

This standard does not require that new buildings look like the existing buildings but the overall mass and scale of the buildings as well as the placement of windows and the treatment of the front façade should reflect the character of the existing buildings.

4. Streetscape buffer strip – A vegetated buffer strip shall be established and maintained along the property line(s) adjacent to any public street for any portion of the lot that is used for parking or storage. The buffer strip shall be at least five (5) feet in width on the lot. The buffer strip should be designed to visually screen and separate the parking and/or storage area from the street. The strip must be improved with landscaping or natural vegetation and may include pedestrian amenities that are hardscape.

[Derivation: Ord. No. 12-10, eff. 10/19/2012]

DIVISION F – STEVENS SCHOOL PLANNED DEVELOPMENT DISTRICT (SSPDD)

[Derivation: Ord. No. 11-03, effective 8/18/2011; Ord. No. 12-10, eff. 10/19/2012]

SECTION 9-386 PURPOSE (SSPDD)

To provide for the reuse and redevelopment of the former Stevens School into a well-planned development with a common set of design elements in which the use, redevelopment, or development is focused in the areas of the campus that are already developed in a manner that is compatible with the surrounding neighborhood, accommodates a mix of uses, maintains the character of the Maine Industrial School for Girls National Register Historic District, minimizes development in areas with significant natural resources, provides appropriate infrastructure, addresses environmental issues and stormwater management, and minimizes undesirable impacts on adjacent properties and the surrounding neighborhood.

SECTION 9-387 DESCRIPTION (SSPDD)

The Stevens School Planned Development District (SSPDD) consists of Lot 27 on Tax Map 6.

SECTION 9-388 PERMITTED USES (SSPDD)

Permitted uses in the Stevens School Planned Development District are:

1. Accessory Buildings and Structures;
2. Essential Services;
3. Municipal Uses and Public Buildings;
4. Parks and Playgrounds;
5. Planned Mixed-Use Developments that conform to the requirements of Section 9-392;
6. Public Utilities;
7. Schools;
8. Residential Uses approved by the Planning Board as part of a single Open Space Development pursuant to Hallowell's Subdivision Ordinance provided that the

dwelling units are located in that portion of the Stevens School Planned Development District that is south of the gas pipeline now or formerly owned by Mobil Oil Company and west of an imaginary line that runs parallel to, and 548 feet westerly of, the easternmost boundary line of the Stevens School Planned Development District;

9. Re-use of existing structures for Business and Professional Offices and Residential Uses; and
10. Private and public streets.

[Derivation: Ord. No. 15-02, eff. 07/23/2015; Ord. No. 16-02, eff. 07/21/2016]

SECTION 9-389 NON-PERMITTED USES (SSPDD)

Any use not permitted in Section 9-388 above. An amendment to this Chapter adding a permitted use to Section 9-388 may be adopted pursuant to Section 9-123.

SECTION 9-390 DIMENSIONAL REQUIREMENTS (SSPDD)

The following dimensional requirements apply to all uses in this district except for uses and buildings and structures that are part of a Planned Mixed-Use Developments approved in accordance with the provisions of Section 9-392. These requirements apply to the expansion of existing uses, the conversion of one use to another use, and new uses. Uses and buildings and structures that are part of an approved Planned Mixed-Use Development are governed by the provisions of the adopted Master Plan for the development.

1. Minimum Land Area in square feet

   A. All uses (per use): 20,000.

   B. Notwithstanding section 9-390 (1)(A), residential buildings in an Open Space Development where such buildings will be connected to the public sewage collection and treatment system: 5,000 per dwelling unit.

   C. Notwithstanding section 9-390 (1)(A), no minimum land area is required for uses in the reuse of existing structures.

2. Minimum setback from street right-of-way: 25 feet for any new building or structure within the District, provided that if such building or structure is located within two hundred feet of the street right-of-way of Winthrop Street it shall be located to reflect a uniform setback of existing buildings along the street. The uniform setback shall be calculated by obtaining the average street setback of buildings found next to both sides of the property, along the same side of the street for a distance of at least two hundred (200) feet in each direction as measured from the property line. The minimum and maximum setback for buildings and structures from the street right-of-way must be within +/- ten (10) feet of the calculated average existing setback. The minimum setback from the street right-of-way for an existing building or structure is 0 feet.

3. Minimum side, rear yards: Side and rear setbacks shall be either twenty (20) feet or the height of the building, whichever is greater: Where a nonresidential use abuts a residential district, the minimum side yard must be a minimum of thirty-five (35) feet

4. Minimum street frontage: 100 feet on a public or private road.

5. Minimum lot depth: None.

6. Maximum building height: 35 feet. The maximum height may be increased to reflect a uniform height of existing buildings along the street. This shall be calculated by obtaining the average height of buildings found next to both sides of the property, along the same side of the street for a distance of at least 200 feet in each direction as measured from the side property line. The building height may be increased to the average height; however in no case shall it be more than 8 feet higher than the buildings abutting the property.

[Derivation: Ord. No. 16-02, eff. 07/21/2016]

SECTION 9-391 PERFORMANCE STANDARDS (SSPDD)

Permitted Uses allowed in this district shall be subject to the performance standards contained in Subchapter VI of this Chapter unless a performance standard is specifically revised as part of an approved Master Plan for a Planned Mixed-Use Development in accordance with Section 9-392.

SECTION 9-392 ADDITIONAL REQUIREMENTS FOR A PLANNED MIXED-USE DEVELOPMENT (SSPDD)

1. **General Requirements for Approval of a Planned Mixed-Use Development** – The approval of a Planned Mixed-Use Development in the SSPDD involve a two phase process as follows:

   A. The Master Plan Phase involves the preparation, review, and approval of a conceptual master plan for the overall Planned Mixed-Use Development and the development standards that will apply to individual buildings, subdivisions, or phases of the development. Approval of the Master Plan and development standards must occur before any application is submitted for site plan review or subdivision approval.

   B. The Site Plan or Subdivision Review Phase involves the preparation and review of the detailed development plans for individual buildings, subdivisions, or phases of the development in accordance with the Town's Site Plan Review requirements (Subchapter VIIIA) and/or Subdivision requirements (Subchapter VIII). In addition to conforming to the requirements of those chapters and the other zoning requirements, a Planned Mixed-Use Development must demonstrate that it is consistent with the approved Master Plan and its development standards.

2. **Master Plan Required** – Prior to the reuse, modification, or demolition of any existing building or structure, the construction of any building, structure or impervious surface, or the undertaking of any site or infrastructure work or disturbance of more than five thousand (5,000) square feet of land area or the issuance of any permits or development approvals in conjunction with a Planned Mixed-Use Development, a Master Plan for the project must be approved by the Planning Board and City Council in accordance with the provisions of this Section.

3. **Geographic Scope of the Master Plan –** The Master Plan must cover the entire land area proposed to be included in Planned Mixed-Use Development. This will be considered to be the entirety of Lot 27 on Tax Map 6 unless a portion of the site has been separately deeded for a Permitted Use in the SSPD District prior to the date of submission of the Master Plan to the City for review.

4. **Permitted Uses as Part of Planned Mixed-Use Development –** The objective of the City in establishing the Planned Mixed-Use Development use category is to allow the owner/developer of the property significant flexibility in the use of the former Stevens School complex as long as the development will meet the City's objectives for the reuse of the complex as articulated in the Master Plan approval criteria set forth in this section. As such a wide range of residential uses and non-residential uses may be appropriate as part of a Planned Mixed-Use Development including, but not limited, to single-family and duplex dwellings, multifamily housing, elderly and retirement housing, special needs housing, low-intensity retail businesses and service uses, business, government, and professional offices, light manufacturing uses, and recreational and open space uses. The intention of these requirements is to allow any use as part of the development as long as the overall objectives for the SSPDD can be met. The Master Plan requirements require that the Master Plan identify the types of uses that are proposed to be included in the development and their general location on the property.

5. **Dimensional Requirements for a Planned Mixed-Use Development** – The objective of the City in establishing the Planned Mixed-Use Development use category is to allow the owner/developer of the property significant flexibility in the reuse/redevelopment of the former Stevens School complex as long as the development will meet the City's objectives for the reuse of the complex as articulated in the Master Plan approval criteria set forth in this section. As such the only required dimensional standard for a Planned Mixed-Use Development is that all new buildings, structures, parking lots, storage areas, and similar improvements be setback a minimum of fifty (50) feet from any property line that physically abuts a lot in a residential district. This area shall be maintained as either a natural vegetated or landscaped buffer strip to minimize the impact of the development on adjacent residential properties. All other dimensional requirements that will apply to the Planned Mixed-Use Development will be developed as part of the Master Plan and approved by the Planning Board and City Council.

6. **Contents of the Master Plan** – A Master Plan for a Mixed-Use Planned Development consist of the following elements:

   - A development narrative
   - A site inventory and analysis
   - A conceptual land use plan
   - A conceptual infrastructure plan
   - Development and dimensional standards for the project

   The specific requirements for these five elements are set forth below:

   A. <u>Development Narrative</u> – The Development Narrative must describe the

overall nature of the proposed development, the general utilization of the site, the types and scale of anticipated development, and provisions to address the constraints and limitations identified in the Site Inventory and Analysis. The development narrative must specifically address how the approval standards will be met.

B. Site Inventory and Analysis – The Site Inventory and Analysis consist of three components – a Site Inventory Plan, a Site Analysis Plan, and a Site Analysis Narrative. Each component must include the required information unless waived by the Planning Board. The Board may not waive the submission of any of the three component's in their entirety but may waive the submission of individual pieces of data or information upon written request of the applicant and a finding, by formal vote of the Board, that the information is not necessary to understand the conditions of the site and the opportunities and constraints for its reuse and redevelopment.

(1) The Site Inventory Plan shall show the existing natural features and resources and built environment on the site. The Plan shall be an accurate scale plan of the site at a scale of not more than one hundred (100) feet to the inch. If this scale is not adequate to show critical details of the inventory, the Planning Board may require larger scale plans be provided for these portions of the site. The Plan must show the following as a minimum:

(a) The proposed name of the development, north arrow (True Meridian), date, and scale.

(b) The boundaries of the parcel based upon a standard boundary survey prepared by a registered land surveyor and giving the bearings and distances of all property lines.

(c) Existing restrictions or easements on the site (if none, so state).

(d) The topography of the site at an appropriate contour interval depending on the nature of the use and character of the site as determined by the Code Enforcement Officer.

(e) The location, extent, and, where appropriate, value or condition of the natural features of the site, including wetlands, vernal pools, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats, scenic views or areas, significant geological features, or other important natural features. This information may be from published sources where appropriate.

(f) The soils on the site through a medium intensity soil survey. The Planning Board may require the submission of a high intensity soils survey for portions of the site if it determines that a high intensity survey is required to evaluate the appropriate use of the property.

(g) Vegetative cover conditions on the property according to general cover type, and the identification of any exceptional specimens including any trees with a diameter at breast height of more than twenty-four inches.

(h) Watershed and sub-watershed boundaries.

(i) Existing buildings, structures, or other improvements on the site including streets, driveways, stone walls, fences, trails, and cemeteries (if none, so state).

(j) The approximate locations of all culturally, historically or archaeologically significant buildings, features, or sites.

(k) The location and size of existing utilities or improvements servicing the site.

(l) The location and nature of any known environmental issues or constraints on the site.

(2) The Site Analysis Plan shall be at the same scale as the inventory plan (see a. above) and highlight the opportunities and constraints of the site in a bubble diagram or annotated format. This plan must enable the Planning Board to determine: which portions of the site are unsuitable for development or use; which areas of the site have potential conservation or open space value that should be addressed in the Master Plan; which areas of the site may be subject to or create off-site conflicts or concerns (noise, lighting, visual intrusion, traffic, etc.); and which areas are well suited for use.

(3) The Site Analysis Narrative must describe the existing conditions of the site, the constraints and opportunities created by the site, the potential for mitigating any potential conflicts or concerns including known environmental issues, the open space conservation potential of the site, and the development potential of the site. This submission should include a narrative description of the existing road system that will provide access to the project and any issues related to traffic capacity, safety, sight distances, or other traffic considerations together with any preliminary studies done relative to the site including traffic studies, market studies, or other information that will help the Board understand the site and the proposed project.

C. Conceptual Land Use Plan – The Conceptual Land Use Plan must be an accurate, scaled plan at the same scale as the Site Analysis Plan included in the Site Inventory and Analysis and show the proposed layout of the entire site, the proposed use of various parts of the site, the primary road network, primary utility network, overall approach to stormwater management,

proposed development areas, proposed open space areas, and proposed buffer areas. The conceptual land use plan may show proposed uses in a bubble diagram or similar conceptual format and does not need to include the exact location of proposed buildings.

D. Conceptual Infrastructure Plan – The Conceptual Infrastructure Plan must show the layout and preliminary design of the various infrastructure components that will serve as the core infrastructure for the site. This should address off-site infrastructure improvements where necessary. The Plan should include the proposed primary road network within the development including access into and out of the site, the public water and sewerage systems, the overall approach to stormwater management including any mitigation activities to comply with state stormwater requirements, electric, cable, and fiber optic systems, and any shared or common facilities such as parking or service areas. The Plan must also address an interconnected open space network and pedestrian and bicycle facilities and movement within the development and for connections to adjacent residential neighborhoods. The Plan must show the location and typical design of any proposed district-wide pedestrian and bicycle facilities together with any standards for the provision of facilities to serve individual development parcels or areas of the site.

E. Development Standards – The Development Standards must identify the development and design standards that will apply to individual buildings or areas within the overall development. The standards should assure that the development will conform to the approval standards and result in a coordinated, visually-integrated district. These standards must address, at a minimum, parking layout and design, landscaping, exterior lighting, signage, pedestrian and bicycle facilities, and architectural design, and preservation of the character of the existing National Register historic district. The following specific areas must be addressed in the proposed standards if applicable to the development proposed in the Master Plan. These standards may reference the existing site plan review standards where appropriate or establish modified or new standards.

(1) The location of buildings on lots and the relationship of buildings to the street

(2) The location of parking vis-à-vis the building and the street

(3) The treatment of areas adjacent to streets both within the R-O-W and also within the front setback including landscaping and use of this area

(4) Provisions for vehicular movement within the site including access for service and emergency vehicles

(5) Provisions for vehicle connections between adjacent lots/buildings

(6) Provisions for shared/coordinated access to the internal street network

(7) Provisions for pedestrians and bicycles including pedestrian areas and facilities

(8) Provision of landscaping within parking areas and around buildings

(9) Provisions for snow storage and management of related runoff

(10) Provisions for the screening/buffering of parking lots

(11) The location of and provisions for the screening of service areas, overhead doors, waste disposal areas, and similar facilities

(12) The general treatment of outdoor lighting including parking lots, security lighting, roadways, and pedestrian ways

(13) The location, width, and treatment of buffers

(14) Standards for the size of signs to be allowed including the relationship of amount of signage to size of building

(15) Provisions for the coordination of signs for the entire development

(16) Standards for the design of individual buildings to create a visually-integrated development.

(17) Provisions for maintaining the historic character of the buildings and grounds within the existing Maine Industrial School for Girls Historic District.

(18) Provisions for providing fire protection water supplies appropriate to the types of uses that will be allowed.

7. **Review and Approval Process for a Master Plan**

A. Waiver of the Submission Requirements. Prior to the submission of the Master Plan, the Planning Board may waive any of the submission requirements based upon a written request of the applicant. Such request must be made prior to the initial review of the Master Plan. A waiver of any submission requirement may be granted only if the Board finds that the information is not required to determine compliance with the approval standards and criteria.

B. Submission of the Master Plan to the Code Enforcement Officer. The applicant shall prepare and submit the Master Plan to the Code Enforcement Officer. The submission must include the materials as set forth in 6 above. The Code Enforcement Officer shall provide the applicant with a dated,

written receipt for the submission.

C. Provisional Review of the Submission by the Code Enforcement Officer. The Code Enforcement Officer shall review the submission for completeness within ten (10) business days of receipt. The Code Enforcement Officer shall provisionally determine that the submission is complete only if all of the required information has been submitted or the Planning Board has approved waivers for any required information not provided. Upon the completion of the submission review, the Code Enforcement Officer shall notify the applicant in writing as to whether or not the submission is deemed to be provisionally complete. If the submission is provisionally complete, the Code Enforcement Officer shall forward the submission to the Planning Board and shall schedule it for the next available Planning Board meeting for consideration by the Board. The Code Enforcement Officer shall require that notice be provided to abutting property owners of the pending submission in accordance with Section 9-184. The Code Enforcement Officer shall also deliver written notice of the pending submission to the City Manager, Fire Chief, Police Chief, the Chair of the Conservation Commission, Superintendent of the Hallowell Water District, Superintendent of the Greater Augusta Utility District, and other interested parties.

If the Code Enforcement Officer finds that the submission is not complete, he/she shall notify the applicant in writing of the additional material that needs to be submitted by the applicant for the application to be provisionally complete and to be considered by the Planning Board. Upon the receipt of additional information, the Code Enforcement Officer shall conduct another completeness review. This process shall be repeated, if necessary, until the Code Enforcement Officer finds that the application is provisionally complete.

D. Initial Consideration of the Application by the Planning Board. At the first meeting at which the application is considered, the Planning Board shall review the submission material and formally determine whether or not the submission is complete. If the submission is determined to be incomplete, the Board shall notify the applicant and Code Enforcement Officer in writing of this finding, shall specify the additional materials required to make the submission complete and shall advise the applicant that the submission will not be considered by the Board until the additional information is submitted to the Code Enforcement Officer. These steps shall be repeated until the submission is found to be complete by the Planning Board. At the initial meeting, the Planning Board shall review the submission with respect to the approval standards and shall identify any questions or concerns about the submission. The applicant shall be provided the opportunity to revise the submission to address the questions or issues raised by the Board and resubmit the Master Plan or portions thereof. If the applicant chooses to re-submit the application, the process for determining that the submission is complete shall be repeated.

E. On-Site Inspection. The Planning Board may hold an on-site inspection of the site to review the existing conditions, field-verify the information submitted, and investigate the development proposal. The Board may conduct this visit either before or after the first meeting at which the application is considered. The Board may decide not to hold an on-site inspection when the site is snow covered. If the review of a Master Plan is pending during a period when there is snow cover, the processing of the submission may be suspended until the Board is able to conduct an on-site inspection. Written notice of the on-site inspection shall be provided to all parties who received notice under subsection B.

F. Public Workshop. The Planning Board shall hold a public workshop on a Master Plan within forty-five (45) days of determining that the initial or re-submitted submission is complete. Abutters shall be notified of the public workshop and the workshop shall be noticed and advertised in accordance with the provisions of Section 9-184. Following the public workshop, the Planning Board shall review the submission with respect to the approval standards and shall identify any questions or concerns about the submission's conformance with the approval standards. The applicant shall be provided the opportunity to revise the submission to address the questions or issues raised by the Board and resubmit the Master Plan or portions thereof.

G. Planning Board Review. Within forty-five (45) days of the public workshop or the re-submission of the Master Plan if the plan is revised, the Planning Board shall review the Master Plan to determine if its questions and/or concerns identified following the public workshop have been addressed. In reviewing the Master Plan, the Planning Board may use outside reviewers including private consultants with the consent of the City Manager if the Board determines that City staff and other agencies do not have the expertise to advise the Board and City Council on the appropriateness of the Master Plan. If the Planning Board determines that outside review assistance is required, the applicant shall pay a technical review fee as provided for in Section 9-858 3. Technical Review Fee. If the Board determines that its questions and concerns have been addressed, the Code Enforcement officer shall notify the Mayor, City Manager, and City Council. If the Board determines that there are still unresolved issues with respect to the Master Plan, the Board shall notify the applicant in writing of the concerns and provide the applicant with the opportunity to revise the Master Plan prior to review with the City Council.

H. Joint Council and Planning Board Consideration. Following Planning Board review of the submission, the City Council and Planning Board shall hold a joint public hearing on the submission as revised within forty-five (45) days of the completion of the Planning Board review or receipt of a revised submission. Abutters and the general public shall be provided notice of the hearing at least seven (7) days prior to the date of the hearing as provided

for in Section 9-184. All time limits provided for in this section may be extended by mutual agreement of the applicant and City Council. Following the public hearing, the City Council and Planning Board may jointly discuss the submission and its conformance with the approval standards.

I. Planning Board Action. Within forty-five days of the public hearing, the Planning Board shall make a formal recommendation to the City Council as to whether the submission meets the approval standards. In issuing its recommendation, the Planning Board shall make written findings of fact establishing that the activities set forth in the Master Plan do or do not meet the standards of approval and other requirements of the City including any conditions of approval necessary to comply with the standards. The Board shall notify the applicant and all parties who requested to be notified of the action of the Board, including the findings of fact, and any recommended conditions of approval. This requirement can be met through the distribution of minutes of the meeting containing the findings of fact and recommendation of the Board.

J. City Council Action. Within forty-five (45) days of the Planning Board recommendation, the City Council shall approve, approve with conditions, or deny the Master Plan. In reviewing the Master Plan, the City Council may use outside reviewers including private consultants if the Council determines that there is a need for additional technical or legal review that cannot be provided by City staff. If the City Council determines that outside review assistance is required, the applicant shall pay a technical review fee as provided for in Section 9-858 3. Technical Review Fee. The City Clerk shall notify the applicant and all parties who requested to be notified of the action of the Council, including the findings of fact, and any conditions of approval. This requirement can be met through the distribution of minutes of the meeting containing the findings of fact and action of the City Council.

K. Appeals. Appeal of any actions taken by the Planning Board or the City Council with respect to the review of a Master Plan shall be to the Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B. Any such appeal must be filed within thirty (30) days of the date upon which the Planning Board or City Council voted to take action on the Master Plan. Any aggrieved party may appeal the action of the Planning Board or City Council.

8. **Approval Standards** – In reviewing a Master Plan for a Mixed-Use Planned Development, the Planning Board and City Council must both find that the Master Plan meets all of the following criteria. In approving a Master Plan, the Board or Council may impose conditions of approval to assure that the approval criteria are met. These conditions shall apply to any subsequent application for Site Plan Review or Submission approval relative to the Planned Mixed-use Development.

A. The Master Plan will result in the reuse/redevelopment/development of the former Stevens School complex in a manner that results in a well-planned

development that has a common set of design elements.

B. The Master Plan assures that the design and scale of development is compatible with surrounding neighborhoods.

C. The Master Plan will result in a mix of uses which may include residential, office, service, community, light manufacturing, and low-intensity retail uses that are not competitive with Downtown.

D. The Master Plan assures that the buildings and grounds within the existing Maine Industrial School for Girls National Register Historic District are maintained and improved in a manner that maintains the character of that district.

E. The Master Plan will result in use, redevelopment, or development being primarily focused in the areas of the campus that are already developed.

F The Master Plan assures that development of areas with significant natural resource value will be minimized.

G. The Master Plan will result in a functional system of interconnected open spaces and natural resource areas that serve both the campus and the larger community.

H. The Master Plan provides for adequate movement of vehicles into and through the campus while minimizing the potential impact on the City's street network. The vehicular circulation system avoids the use of adjacent residential streets for major access to the site and no street connections are provided to serve development in the City of Augusta.

I. The Master Plan provides for appropriate pedestrian and bicycle movement into and through the campus and links these networks to existing and planned facilities outside of the campus.

J. The Master Plan provides for adequate sewerage and water supply to support the anticipated use and redevelopment/development of the campus in accordance with the Master Plan while minimizing the impacts on the public sewer and water systems.

K. The Master Plan provides for adequate stormwater management including provisions to mitigate and manage run-off from the site while minimizing the impact on downstream drainage and stormwater systems.

L. The development standards of the Master Plan will protect adjacent properties and residential neighborhoods from unreasonable impacts resulting from the reuse/redevelopment/development of the campus.

9. **Amendment of an Approved Master Plan**

A Master Plan for a Planned Mixed-Use Development may not be amended for a period of twenty-four months following its approval by the City Council. Following this initial period, a Master Plan may be amended by vote of the City Council upon the request of the property owner but such request must be at least twenty-four (24) months from the prior approval. A request for an amendment to an approved Master Plan shall follow the same process as for the initial approval with the following exceptions:

A. The applicant is only required to submit information on those aspects of the Master Plan that are proposed to be amended.

B. The Planning Board and City Council shall only consider those aspects of an approved Master Plan for which an amendment is sought.

C. The Planning Board may waive the requirement for a public workshop if it finds that the nature of the amendment is primarily technical in nature and does not involve a change in the overall pattern of development or land use.

D. If the Planning Board waives the requirement for a public workshop, the Planning Board may complete the consideration of the amended Master Plan in one step (combining the initial consideration and Planning Board review).

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