

**AMENDMENT TO LAND USE ORDINANCE
ESTABLISHING THE MAIN STREET OFFICE OVERLAY DISTRICT**

The Orono Land Use Ordinance is hereby amended by adding a new Section 18-112. Maine Street Office Overlay District, as follows:

Sec. 18-112. Main Street Office Overlay District

(a) *Intent:* The purpose of the Main Street Office Overlay District is to create the land use and economic conditions that will simultaneously maintain a safe, attractive environment in which residents have the peaceable enjoyment of their homes, and provide the incentive and means to invest in and maintain the significant architectural and other important elements that create a visually appealing Main Street.

(b) *Location:* The Main Street Office Overlay District shall extend either side along Main Street to the extent delineated on the Zoning Map of Orono, Maine, with a depth of 300 feet from the Main Street right-of-way boundary line, provided that it shall apply only to lots that have their street addresses along the delineated segment of Main Street, as listed in the Town Assessor’s book of real estate accounts as of [THE DATE OF ADOPTION OF THIS ORDINANCE], and that are zoned Medium Density Residential (MDR).

(c) *Classification of properties:* For the purpose of this section, a “contributing property” is a property located within the Main Street Office Overlay District with a building existing as of [THE DATE OF ADOPTION OF THIS ORDINANCE] that was (i) identified in the establishment of the Main Street Historic District in 1977, which district is listed on the National Register of Historic Places, as contributing to the historic significance of the district; or (ii) that was identified in the “Main Street Corridor Reconnaissance Survey, Juniper Street to Kelley Road,” prepared by Malcolm L. Collins, AIA, for the Town of Orono in 2016 and on file in the Town of Orono Code Enforcement Office, as not having been identified in the establishment of the Main Street Historic District in 1977 but, from the vantage point at the time of the Reconnaissance Survey is considered a contributing building, either in terms of architectural style or integrity or the overall character of the Main Street corridor.

Properties classified as “contributing properties” are listed by street address and Assessor’s Tax Map and Lot Number in the following table:

Contributing Properties, Main Street Office Overlay District			
Street Address	Tax Map/Lot No.	Street Address	Tax Map/Lot No.
92 Main Street	27-2/149	203 Main Street	27-3/111
100 Main Street	27-2/150	210 Main Street	27-4/13

105 Main Street	27-2/10	212 Main Street	27-4/14
109 Main Street	27-2/19	214 Main Street	27-3/125
114 Main Street	27-2/153	218 Main Street	27-3/126
115 Main Street	27-2/8	225 Main Street	27-3/44
120 Main Street	27-2/154	235 Main Street	31-1/52
123 Main Street	27-2/2	237 Main Street	31-1/51
124 Main Street	27-2/155	241 Main Street	31-1/50
129 Main Street	27-2/1	264 Main Street	31-1/58
133 Main Street	27-4/23	265 Main Street	31-1/36
139 Main Street	27-4/22	269 Main Street	31-1/35
143 Main Street	27-4/21	279 Main Street	31-1/17
149 Main Street	27-4/20	283 Main Street	31-1/16
158 Main Street	27-4/60	287 Main Street	31-1/15
166 Main Street	27-4/62	288 Main Street	31-1/59
169 Main Street	27-4/16	292 Main Street	31-1/60
172 Main Street	27-4/63	295 Main Street	31-1/4
175 Main Street	27-4/15	296 Main Street	31-1/61
178 Main Street	27-4/65	297 Main Street	31-1/2
180 Main Street	27-4/66	300 Main Street	31-1/63
184 Main Street	27-4/67	305 Main Street	31-3/21
188 Main Street	27-4/11	330 Main Street	31-3/22
190 Main Street	27-4/12	344 Main Street	31-3/26
193 Main Street	27-3/112		

(d) *Permitted uses:* The following uses are permitted on any property in the Main

Street Office Overlay district, regardless of classification of the property:

(1) Any use allowed in the Medium Density Residential District, according to the schedule of uses set forth in section 18-106(e) with the permits as indicated in that section.

(2) Offices, which for the purposes of this section includes medical offices, not otherwise allowed in the Medium Density Residential District, with Planning Board review and approval following a public hearing noticed in the manner set forth in section 18-84 (Hearing procedure for appeals and applications); and provided that:

(i) The property also includes at least one dwelling unit for residential use, whether the office or offices and the dwelling unit both are located in the principal structure on the lot or one of the uses is located in the principal structure and the other is located in an accessory structure on the lot; and

(ii) If the office use is on a Contributing Property, it does not involve the demolition of any building or portion of building that contributed to the property's designation as a Contributing Property unless such demolition is required as a result of destruction by fire or natural disaster, or is ordered by the Code Enforcement Officer to maintain public safety as the result of a dangerous condition.

~~(3) Any use allowed in the Medium Density Residential District in combination with an office use, provided that the minimum lot size and yard requirements set forth in paragraph (c) below and all other applicable rules and regulations are met.~~

(e) Minimum dimensional requirements in the Main Street Office Overlay District:

(1) The minimum dimensional requirements for lots in the Main Street Office Overlay District shall be the same as for the Medium Density Residential District, as set forth in the schedule of dimensional requirements in section 18-106(f) of this ordinance, except as specified in this subsection.

(2) The minimum lot area for an office use or uses together with one dwelling unit shall be the same as for a lot with a single dwelling unit. A second dwelling unit, as allowed in the Medium Density Residential District, shall comply with the additional minimum lot area per family requirement in the Medium Density Residential District.

(3) If a lot is legally nonconforming as to one or more dimensional requirements of the Medium Density Residential District, as specified in Section 106(f), Schedule of Dimensional Requirement, as of the date of adoption of the Main Street Office Overlay District:

- (i) It may be used for offices in combination with a single dwelling unit; or
 - (ii) If the dwelling contains two dwelling units, as is allowed within the Medium Density Residential District, but is nonconforming as to minimum lot area per family, an office use may be included only if it replaces one of the dwelling units. If the office use is subsequently terminated, the replaced dwelling unit may be resumed notwithstanding the lot's nonconformance with the standard for minimum lot area per family.
- (4) If the dwelling contains more than three or more dwelling units and therefore is a nonconforming use within the Medium Density Residential District, an office use may be included only if it replaces one of the dwelling units. If the office use is subsequently terminated, the replaced dwelling unit may be resumed and will retain its legally nonconforming status.
- (5) Regardless of existing or future use, the frontage of any lot existing as of the date of adoption of this ordinance with less than 125 feet of frontage along Main Street shall not be reduced; the frontage of any lot existing as of the date of adoption of this ordinance with more than 125 feet of frontage along Main Street shall not be reduced to less than 125 feet; and no new lot shall be created with less than 125 feet of frontage along Main Street.
- (f) *Performance standards in the Main Street Office Overlay District.* An office use or uses shall:
- (i) Occupy no more than a total of 2,500 square feet of floor area;
 - (ii) Not add to the number of curb cuts onto Main Street and otherwise shall comply with the curb-cut standards for single-family or two-family dwellings as set forth in section 18-127 of this ordinance, unless the Planning Board finds that an additional curb cut is required for public safety, will not unduly interfere with the flow of traffic on Main Street or the safety of pedestrians, and no reasonable alternative exists;
 - (iii) Locate all on-site parking for non-resident employees and clients of the office use to the rear or side of the building; and further, exclusive of driveway, locate no parking serving any use, residential or non-residential, within ten feet of a public street right-of-way boundary line or between the paved portion of the street and the principal structure itself, as prescribed in Sec. 18-135, Off-street parking and loading, of this ordinance;
 - (iv) Maintain a vegetated buffer equal to the minimum side or rear yard setback required in the Medium Density Residential District between any on-site parking area and adjacent properties, in compliance with the screening provisions of section 18-126(2);

- (v) Be on a site with a “lot coverage” as defined in this ordinance of no more than 40 percent, and, with any expansion of structures or parking area or addition of an accessory structure will continue to have a lot coverage of no more than 40 percent; and
 - (vi) Have no more than one sign with a maximum area of eight square feet, provided that a building with more than one office use may in addition have a directory sign of no more than six square feet located on or adjacent to the primary entrance to the building; and provided further that signs otherwise comply with the requirements of section 18-140 for signs in residential districts.
- (g) *Visual compatibility standards in the Main Street Office Overlay District.*
- (1) Applicability.
- (i) The visual compatibility standards shall apply to:
 - 1. Renovations and additions: Renovations of or additions to a Contributing Property’s principal or accessory buildings, but only if a person with right, title or interest in the property, after having made proper application to the Planning Board, receives a permit for an office use or office uses not otherwise allowed in the Medium Density Residential District.
 - 2. Construction of new principal or accessory buildings: Construction of a new principal or accessory building on any lot in the Main Street Office Overlay District, whether or not it is a Contributing Property and whether or not an office use is proposed for or exists on the lot.
 - 3. Property maintenance: On any lot within the Main Street Office Overlay District, whether or not it is a Contributing Property, but only if a person with right, title or interest in the property, after having made proper application to the Planning Board, receives a permit for an office use or office uses not otherwise allowed in the Medium Density Residential District.
 - (ii) If, after [INSERT EFFECTIVE DATE OF THIS ORDINANCE] a property is altered in a manner that does not conform to the applicable visual compatibility standards, the current or successor person with right, title or interest in the property may not subsequently apply for or receive a permit for an office use other than one allowed within the Medium Density Residential District unless the application includes a plan to restore the altered architectural feature in a manner that conforms to the applicable standards. Such restoration shall be substantially completed before the property is occupied by an office use.

(iii) The visual compatibility standards shall apply to the sides of a structure that are wholly or partially visible from a public street.

(iv) Nothing in this subsection (g) shall be construed to prevent the ordinary maintenance or repair of any exterior feature of a structure that does not involve a change in the design, material or exterior appearance of a structure.

(v) Nothing in this subsection (g) shall prevent the construction, reconstruction, alteration, restoration or demolition of any feature that the Code Enforcement Officer shall certify is required to maintain public safety because of an unsafe or dangerous condition; or that is required to comply with Federal and State regulations relating to accommodating persons with disabilities; and that, if contrary to the visual compatibility standards of this subsection, is the minimum needed to satisfy the condition or regulation and no practicable alternative to the proposed construction, reconstruction, alteration, be restoration or demolition exists.

(2) Standards

(i) Principal buildings – Renovations: The renovation of a principal building on a Contributing Property shall not remove or alter the roof lines or roof forms, including dormers; or remove or alter chimneys; or remove or alter the size or location of porches, balconies or entrances including porticoes and vestibules; change or alter pediments; change the sizes of window openings or the spacing between window openings; or change the cladding of the building except in a manner consistent with the architectural style of the building, as referenced in the Design Guidelines. If such a feature of one of these building elements is replaced, the new item or material shall visually match, as closely as possible, the item or material being replaced in composition, design, and dimensions. “As closely as possible” means the material or item is available commercially from an area or other readily accessible source without the necessity of customized millwork or similar specialized construction.

(ii) Principal buildings - Additions: An addition to a building on a Contributing Property preferably will not mimic the historical architectural style of the building, as identified in the Design Guide, so as to lose the historic identity of the main building, but will be compatible with it, as follows:

1. The addition shall be located to the side or rear of the building so as not to interfere with or interrupt the existing building’s façade.
2. The addition shall be no higher and have no more stories than the existing building; and the addition’s foundation shall match as closely as possible the height of the existing building’s foundation.

3. The footprint of the addition shall be smaller than the footprint of the existing building.

4. The roof shape, pitch and orientation of the addition shall be the same as those of the principal building, or, if this is not practicable, as close as possible to those of the principal building. Dormers shall be in character with the architectural style of building and in proportion to the area of the roof in which they will be placed.

5. The spacing of windows and doors and the sizes of window and door openings in the addition shall be consistent with those of the existing building.

6. The material of an addition's cladding may be different than that of the principal building but shall be visually similar; and the color of the addition's cladding shall be in the same range or value as the existing building's cladding.

(iii) Principal buildings - New construction: For the purpose of this paragraph (iii), "proximate" means within 300 feet along Main Street.

1. Orientation: The front face of the building shall be oriented parallel to the street or as close to parallel as conditions allow, with the primary entrance on this façade.

2. First floor height: The height of the building's first floor shall be approximately the average as that of proximate buildings to which it is visually related.

3. Roof form: The roof form, roof lines and pitches shall be consistent with one or more of the proximate buildings to which the new building is visually related.

4. Windows and doors: The spacing of windows and doors and the sizes of window and door openings shall be consistent with that of one or more proximate buildings to which the new building is visually related.

(iv) Accessory buildings - Additions and new construction: For the purpose of this paragraph (iv), "proximate" means within 300 feet along Main Street.

1. The accessory building shall not be taller than the principal building on the lot, and the footprint of the accessory building shall have a smaller area than the footprint of the principal building.

2. The accessory building's roof forms and roof lines, cladding, and window shape and sizes shall be of a character similar to the principal building and other

proximate buildings to which the accessory building is visually related.

(v) In determining compliance with the standards in paragraphs (2)(i) through (2)(iv) of this section, the enforcement authority shall be guided, although not bound, by the manual, “Main Street Overlay District Design Guidelines,” dated [INSERT DATE], prepared by Malcolm L. Collins, AIA, for the Town of Orono (hereinafter “Design Guidelines”), and which is incorporated by reference into this ordinance.

(vi) Property maintenance: In addition to the minimum standards set forth in Division 3, Minimum Standards, within Chapter 8, Buildings and Building Regulations, Article III, Housing Code, of the Town of Orono Code of Ordinances, any property in the Main Street Overlay District with an office use or office uses approved pursuant to this Section 18-112 shall maintain the exterior property and premises, including accessory buildings, visible from a public street as follows:

1. Protective treatment: Exterior surfaces, including but not limited to doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering and treatment. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion.
2. Foundation walls: Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.
3. Exterior walls: Exterior walls shall be free from holes, breaks, and loose or rotting materials and shall be maintained weatherproof and properly surface coated where required to prevent deterioration.
4. Roofs and drainage: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drains, gutter and downspouts shall be maintained in good repair and free from obstructions.
5. Decorative features: Cornices, pediments, moldings, wall facings, trim and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

6. Overhang extensions: Overhang extensions, including but not limited to, canopies, porticoes, awnings, fire escapes, and exhaust ducts, shall be maintained in good repair and be properly anchored so as to be kept in a sound condition.
7. Stairways, decks, porches, and balconies: Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
8. Chimneys: Chimneys and similar appurtenances shall be maintained structurally safe and sound and in good repair.
9. Handrails and guards: Handrails and guards shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
10. Windows and doors: Every window, door and frame shall be kept in sound condition, good repair, and weather tight. Glazing materials shall be maintained free from cracks and holes.
11. Yards: Yards, including lawns, trees, hedges, shrubs, gardens and buffer areas, shall be maintained in a condition consistent with a landscape plan submitted and approved by the Planning Board at the time of Planning Board review of the proposed office use.

(h) *Permit-issuing authority:*

(1) Plans for a proposed office use or office uses, including any associated building or site renovations, alterations, removals, replacements, additions, or new construction of any principal or accessory building, shall be submitted to the Planning Board, utilizing the same procedures as for Site Plan Review and application forms provided for this purpose, for review of compliance with the use, dimensional, and applicable visual compatibility standards of the Main Street Office Overlay District. The application shall include photographs of the existing condition of each side of the building wholly or partially visible from a public street and elevations drawn to scale that show any proposed renovations, alterations, removals, replacements, additions or new construction. The Planning Board may approve, approve with conditions, or deny the application based on review of the standards. The Planning Board may request an evaluation of the application by a qualified architect or architectural historian for compliance with the visual compatibility standards, with the cost of such review added to the application fee for the project. Upon approval by the Planning Board, application shall be made to the Code Enforcement Officer for any relevant permits.

(2) Appeals of decisions of the Code Enforcement Officer shall be taken to the Board of Appeals in accord with the procedures prescribed in Section 18-83 of this ordinance for administrative appeals. Appeals of decisions of the Planning Board shall be taken to Superior Court within 45 days from the date the decision is rendered by the Planning Board.

(3) Nothing herein replaces any requirement for applications, reviews, and permits normally required under the Land Use Ordinance or other applicable codes and ordinances.

The Orono Land Use Ordinance is hereby further amended by adding a new definition in Section 18-31, as follows:

Office means a place that serves as the headquarters or satellite facility of an enterprise or organization for the purpose of directing, managing or providing support services for the enterprise or organization; or a place in which a professional person (including, by way of example, lawyer, accountant, engineer, security or commodity broker, real estate agent, insurance agent, advertising or public relations professional, software developer, computer technician, architect, employment counselor, scientific or technical researcher or consultant, property manager, social worker, graphic artist or other professional of a similar nature) and/or supporting staff conducts business; or a place for the conduct of a business support service (including, by way of example, credit reporting, telemarketing, technical support, and document preparation, or other business support service of a similar nature). The term “office” does not include an activity that involves retail sales, on-site repair services, or personal services of a retail nature, such as those classified, for example, within the North American Industrial Classification System code 812. The term “office” also does not include places where patients are admitted for examination and treatment by professional licensed health care providers. See “Medical office building,” which is a separately defined term in this Ordinance.