

**City Council Workshop & Meeting  
Agenda  
September 5, 2023  
Auburn Hall, Council Chambers**

**5:30 P.M. City Council Workshop**

- A. Aquatic Center/Sports Facility Management – Brian Wood
- B. Public Safety Facility Update - Brian Wood, Jason Moen, Robert Chase

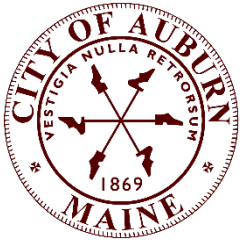
**7:00 P.M. City Council Meeting** - Roll call votes will begin with Councilor Staples

**Pledge of Allegiance**

- I. **Consent Items** – All items with an asterisk (\*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.
  - 1. **Order 113-09052023\***  
Approving the renewal of an Auto Graveyard/Junkyard permit for Randy’s Auto, 899 Broad St.
  - 2. **Order 114-09052023\***  
Approving the renewal of an Auto Graveyard/Junkyard permit for M&P Auto, Inc., 227 Merrow Rd.
  - 3. **Order 115-09052023\***  
Approving the renewal of an Auto Graveyard/Junkyard permit for Don’s No Preference Towing, dba Morris Auto Parts, 940 Washington St. North.
  - 4. **Order 116-09052023\***  
Approving the renewal of an Auto Graveyard/Junkyard permit for Prolerized New England Company, LLC., 522 Washington St. North.
  - 5. **Order 117-09052023\***  
Approving the renewal of an Auto Graveyard/Junkyard permit for Isadore T. Miller, 79 & 80 Hotel Rd.
- II. **Minutes**
  - August 21, 2023, Regular City Council Meeting
- III. **Communications, Presentations and Recognitions**
  - Council Communications (about and to the community)
  - Recycling Update - Mayor Jason Levesque

- IV. Open Session** – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*
- V. Unfinished Business** - None
- VI. New Business**
- 1. Order 118-09052023**  
Authorizing the City Manager to execute a real estate transaction to swap City owned parcel 271-100-000 for privately held parcel 261-056-002.
  - 2. Ordinance 11-09052023**  
Approving the text amendment to the Auburn Code of Ordinances, Sec. 60-548B – Front Setback, Principal for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen Petition submitted on June 12, 2023. **Public hearing and 1<sup>st</sup> reading.**
  - 3. Ordinance 12-09052023**  
Approving the text amendment to the Auburn Code of Ordinances, Sec. 60-548B ,T-4.2B Sec. 60-54B Intent and Purpose, Sec. 60-54B.1, Building Placement on Lot, Frontage Buildout, 3. Sec 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. **Public hearing and 1<sup>st</sup> reading.**
  - 4. Ordinance 13-09052023**  
Approving the zoning map amendment T-4.2B & C/OS “Area A1”. **Public hearing and 1<sup>st</sup> reading.**
  - 5. Ordinance 14-09052023**  
Approving the zoning map amendment T-4.2B & C/OS “Area A2”. **Public hearing and 1<sup>st</sup> reading.**
  - 6. Ordinance 15-09052023**  
Approving the zoning map amendment T-4.2B “Area C”. **Public hearing and 1<sup>st</sup> reading.**
  - 7. Ordinance 16-09052023**  
Approving the zoning map amendment T-4.2B “Area D”. **Public hearing and 1<sup>st</sup> reading.**
  - 8. Ordinance 17-09052023**  
Approving the Zoning Ordinance text amendments (Proposal B1) – Amend Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations, Division 2-Agriculture and Resource Protection District. **Public hearing and 1<sup>st</sup> reading.**
  - 9. Ordinance 18-09052023**  
Approving the Zoning Ordinance text amendments (Proposal B3) – Amend Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations, Division 2, Agriculture and Resource Protection District. AGRP text Amendment (Proposal B3) Planning Board Proposed Change #10 concerning prohibiting housing in the AGRP zone in the Taylor Pond watershed. **Public hearing and 1<sup>st</sup> reading.**
  - 10. Ordinance 19-09052023**  
Approving the AGRP text amendments (Proposal B2) Planning Board proposed change number ten to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. **Public hearing and 1<sup>st</sup> reading.**

- 11. Order 119-09052023**  
Authorizing the proposed Public Safety Building to be placed on a referendum ballot and submitted to the voters of Auburn at the November 7, 2023, Election.
- 12. Order 120-09052023**  
Allocating \$5,700 out of the American Rescue Plan Act (ARPA) funds for Literacy Volunteers, Androscoggin.
- 13. Order 121-09052023**  
Authorizing the City Manager to execute the purchase and sales agreement of 80 Lake Street (PID 239-114), 7 Fern Street (PID 239-113), and 9 Fern Street (PID 239-112).
- 14. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda***
- 15. Reports (from sub-committees to Council)**
  - a. Mayor's Report
  - b. City Councilors' Reports
  - c. City Manager Report
- 16. Executive Sessions - None**
- 17. Adjournment**



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 5, 2023

**Author:** Brian Wood, Assistant City Manager

**Subject:** Aquatic Center Exploration

---

**Information:** The City of Auburn commissioned a report looking at the feasibility of a turf and sports facility in 2021. This study briefly explored an aquatic center. The feasibility study will be expanded and developed to include a more in-depth review of an aquatic facility, cost, funding sources / partnerships, potential locations and timelines. Information to be provided by Sports Facilities Management (SFM).

---

**City Budgetary Impacts:**

To be determined

---

**Staff Recommended Action:** Further review of feasibility study and locations to be discussed in the future.

---

**Previous Meetings and History:** N/A

---

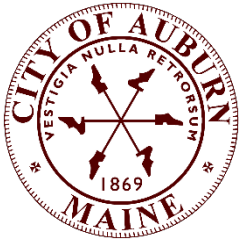
**City Manager Comments:**



I concur with the recommendation. Signature:

---

**Attachments:**



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date: September 5, 2023**

**Author:** Brian Wood, Assistant City Manager

**Subject:** Public Safety Building – Referendum Question for November 7, 2023 Election

---

**Information:** In 2011, the Auburn Police Department relocated from its Minot Avenue location to Auburn Hall as a temporary solution due to space needs, costly needed repairs, and upgrades as a cost saving measure for the city. In 2017, a space needs analysis and site evaluation was completed and in 2019, city council reallocated CIP funds to expand the facility assessment. In 2020, a comprehensive facilities assessment was completed, and an Ad-hoc Committee was established to review the assessment and make recommendations to City Council. A final committee report was presented to City Council in 2022. In August 2023, a presentation was made to City Council with a recommendation to merge both police and fire departments into one public safety facility to be located at 550 Minot Avenue as the most effective measure for both efficient delivery of services and overall costs for the residents of the City of Auburn.

The bond referendum question will state:

*Shall the City of Auburn authorize the issuance of general obligation bonds or notes in anticipation of such bonds in the principal amount not to exceed \$45,000,000 and appropriate the proceeds of such bonds, together with investment earnings, if any, to fund the construction of a new public safety facility at 550 Minot Avenue in Auburn to house the headquarters of the City’s Police Department and Fire Department, including all necessary professional services, real estate acquisition and off-site improvements related to such construction project, costs of issuance and capitalized interest as permitted?*

**Financial Statement:** The issuance of bonds by the City of Auburn is one of the ways in which the City borrows money for certain purposes. The following is a summary of the bonded indebtedness of the City of Auburn as of November 7, 2023:

Principal of Bonds to be Issued if Approved by Voters:	\$45,000,000
Estimate of Interest on Bonds to be Issued if Approved:	<u>\$37,800,000</u>
Total Debt to be Issued if Approved by Voters:	\$82,800,000

When money is borrowed by issuing bonds, the City must repay not only the principal amount of the bonds but also interest on that amount as well. Principal on the bonds will be repaid in approximately equal annual installments over a period not to exceed 30 years, along with interest, which will be paid semi-annually. The amount of interest to be paid will vary depending on the rate of interest and the years of maturity at the time of issuance, which is expected to be no sooner than 2024. An estimate of the total interest that may reasonably be expected to be paid on the issue submitted herewith for authorization is \$37,800,000, based

on an interest rate of 4.00%. The total principal and interest to be paid over the life of the bonds on the issue submitted herewith, if authorized, is thus estimated to be \$82,800,000.

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the foregoing estimate of the costs involved, including varying interest rates, the estimated cost of interest on the bond amount to be issued, and the total cost of principal and interest to be paid at maturity. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

---

**City Budgetary Impacts:**

Principal of Bonds:	\$45,000,000.00
Interest on Bonds:	\$37,800,000.00
Total 30-year Debt:	\$82,800,000.00

---

**Staff Recommended Action:** Order that the City Clerk, through the City Manager, place the referendum question before the residents of the City of Auburn on the November 7, 2023 election ballot.

---

**Previous Meetings and History:** August 7, 2023

---

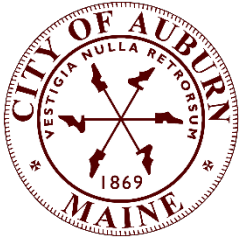
**City Manager Comments:**



I concur with the recommendation. Signature:

---

**Attachments:**



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 05, 2023

**Orders:** 113-09052023\*, 114-09052023\*,  
115-09052023\*, 116-09052023\*,  
117-09052023\*

**Author:** Alison F. Pepin, Deputy City Clerk

**Subject:** Automobile Graveyard/Junkyard permits renewals

---

**Information:** This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. Reminder letters and applications were sent out 08/15/2023. Inspections have been made. Council approval is required for renewal of these licenses. Because the 5 listed below are renewals, they do not require a public hearing. All have passed inspections conducted by the Code and Fire Departments, therefore have been placed on the Consent Agenda for approval as they are considered routine.

Title 30-A, Sec. 3754 states *“Municipal officers or county commissioners, as provided for in section 3753, shall hold a public hearing before granting a permit to establish a new automobile graveyard, automobile recycling business or junkyard and may hold public hearings annually regarding the relicensing of these facilities”*.

Randy’s Auto Parts, Inc., 899 Broad Street

M & P Auto, Inc., 227 Merrow Road

Don’s No Preference Towing of L/A, Inc., dba Morris Auto Parts, 940 Washington St. North

Prolerized New England Company, LLC., 522 Washington St. North

Isadore T. Miller, 79 & 80 Hotel Road

---

**City Budgetary Impacts:** None

---

**Staff Recommended Action:** Staff recommends the City Council approve renewal applications.

---

**Previous Meetings and History:** Annual Renewal

---

**City Manager Comments:**

I concur with the recommendation. Signature:

---

**Attachments:**

1. Automobile Graveyard/Junkyard applications
2. Orders



Police - OK BSB/ki  
Fire - OK DD 8/29  
Code - OK EC 8/31  
Tax - OK MC 8/21

2023

### CITY OF AUBURN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

\*\*\*\*\*

To the City of Auburn, County of Androscoggin, Maine:

I/We RANDY'S AUTO PARTS hereby  
Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or  
Junkyard at the following described location and in accordance with the provisions of Title 30-A  
MRSA Sections 3751-3760.

#### All questions must be answered in full.

- Where is the location of the Automobile Graveyard and/or Junkyard?  
899 BROAD STREET  
AUBURN, ME 04210
- Is this application made by or for a company, partnership, corporation or individual:  
RONALD & ERNEST LEVASSEUR
- Is this property leased? No Property owned by: RON & ERNEST LEVASSEUR  
Address: 899 BROAD ST
- How is "yard" screened?  
 Fence (type) Wood Height: 6'8"  
 Trees (type) FIR  
 Embankment: \_\_\_\_\_  
 Gully: \_\_\_\_\_  
 Hill: \_\_\_\_\_  
 Other: \_\_\_\_\_
- How far is edge of "yard" from center of highway?  
300 ft
- Can junk be seen from any part of highway? Yes \_\_\_\_\_ No X
- Were Junkyard Law, Requirements and Fees explained to you? Yes X No \_\_\_\_\_





City of Auburn, Maine

Office of The City Clerk

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

8. Is any portion of this "yard" on public property? Yes \_\_\_ No X

9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes \_\_\_ No X

10. When was "yard" established? 1980 By whom? TWIN TOWN RENDERING

11. When was last permit issued? 2022 By whom? RANDY'S AUTO PARTS

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by Ronald Luassem for: Randy's Auto Parts  
Name of Company, Corporation, Partnership or Individual

Address: P.O. Box 1243 = 899 BROAD ST, AUBURN ME 04201

Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 182-~~841~~  
Lot No. 001  
Zone \_\_\_\_\_

Check correct direction:

- North
- East
- West
- South

- 1 copy of application to City
- 1 copy of application to Applicant
- 1 copy of application to State Police, Augusta
- 1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)

BROAD STREET

Road Name

OR

Route No.

To

To

TR  
E  
E  
S  
9' FENCE

50 x 80  
Buildin

300'  
ENTRANCE  
INTO THE  
YARD

9' FENCE

TR  
E  
E  
S

TR  
E  
E  
S

12 x 12  
Buildin

FENCE

TR  
E  
E  
S  
9' FENCE



August 15, 2023

Ernest & Ronald Levasseur  
Randy's Auto Parts  
PO Box 1243  
Auburn, ME 04210

Dear Business Owner,

Enclosed is an application for an Automobile Graveyard and/or Junkyard Permit. Please complete the application and return it with all required documentation and the permit fee of \$100.00 no later than August 28, 2023. It is very important your application is received by the deadline to be presented to the City Council in September.

The City Council will consider action on the application at one of their meetings in September before your license expires. Please call the City Clerk's Office at 333-6601 ext. 1121 or 1124 with any questions you may have.

Sincerely,

Alison F. Pepin  
Deputy Clerk/License Specialist City Clerk's Office, City of Auburn  
60 Court Street | 207.333.6601 ext. 1121  
apepin@auburnmaine.gov

**City of Auburn, Maine**

60 Court Street | Auburn, Maine 04210 | [www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

Police - OK BS 8/24  
Fire - OK DD 8/29  
Code - OK EC 8/31  
Tax - OK TN 8/24



Received - 8-24-23  
City of Auburn, Maine  
Office of The City Clerk  
60 Court Street | Auburn, Maine 04210  
[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

### CITY OF AUBURN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

\*\*\*\*\*

To the City of Auburn, County of Androscoggin, Maine:

I/We M + P Auto / Albert Bazinet Jr hereby  
Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or  
Junkyard at the following described location and in accordance with the provisions of Title 30-A  
MRSA Sections 3751-3760.

**All questions must be answered in full.**

1. Where is the location of the Automobile Graveyard and/or Junkyard?

227 Merrow Rd  
Auburn, ME 04210

2. Is this application made by or for a company, partnership, corporation or individual:

3. Is this property leased? NO Property owned by: Albert Bazinet Jr  
Address: 81 Dawes Ave. Auburn, ME 04210

4. How is "yard" screened?  
 Fence (type) ✓ Height: 8'  
 Trees (type) \_\_\_\_\_  
 Embankment: \_\_\_\_\_  
 Gully: \_\_\_\_\_  
 Hill: \_\_\_\_\_  
 Other: \_\_\_\_\_

5. How far is edge of "yard" from center of highway?

400 ft.

6. Can junk be seen from any part of highway? Yes \_\_\_ No ✓

7. Were Junkyard Law, Requirements and Fees explained to you? Yes ✓ No \_\_\_



City of Auburn, Maine

Office of The City Clerk

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

- 8. Is any portion of this "yard" on public property? Yes \_\_\_ No Y
- 9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes \_\_\_ No X
- 10. When was "yard" established? 1978 By whom? Albert Bazinet Jr.
- 11. When was last permit issued? 2022 By whom? M+P Auto Inc.

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: Claudette Bazinet for: M+P Auto Inc.  
Name of Company, Corporation, Partnership or Individual  
 Address: 227 Merrow Rd. Auburn, ME 04210

Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 186-  
 Lot No. 013  
 Zone \_\_\_\_\_

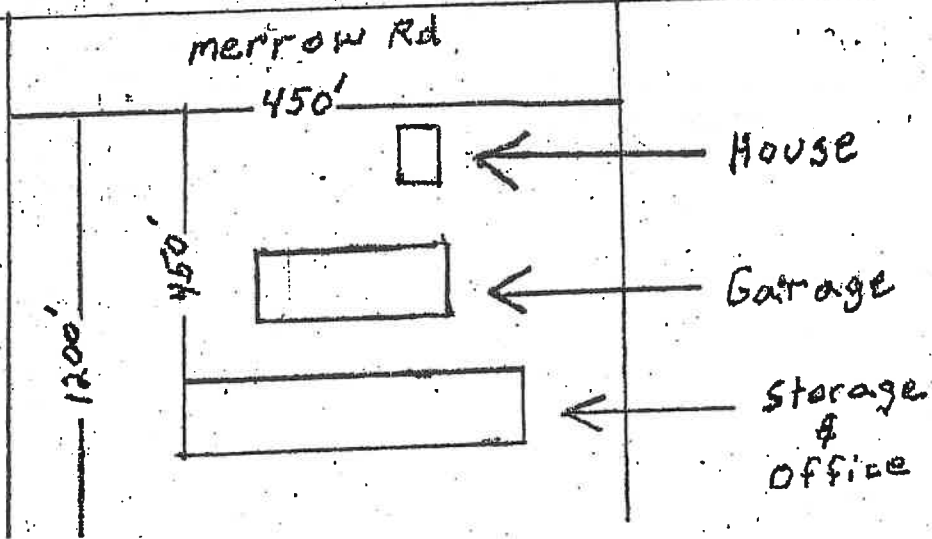
Check correct direction:

- North
- East
- West
- South

- 1 copy of application to City
- 1 copy of application to Applicant
- 1 copy of application to State Police, Augusta
- 1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)

Hotel Rd. To \_\_\_\_\_  
Road Name  
or  
Route No. \_\_\_\_\_ To Miner Ave

M+P  
SIGN



Received - 8-24-23



City of Auburn, Maine

Office of The City Clerk

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

Police - DK BS 8/24  
Fire - DK DO 8/31  
Code - DK EC 8/31  
Tax - DK TN 8/24

**CITY OF AUBURN  
AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT  
APPLICATION**

\*\*\*\*\*

To the City of Auburn, County of Androscoggin, Maine: Bryan McLean / Donald St. Germain

I/We Dons No Preference Towing DBA Morris Auto Parts hereby  
Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or  
Junkyard at the following described location and in accordance with the provisions of Title 30-A  
MRSA Sections 3751-3760.

**All questions must be answered in full.**

- Where is the location of the Automobile Graveyard and/or Junkyard?  
940 Washington St. N. Auburn, ME 04211
- Is this application made by or for a company, partnership, corporation or individual:  
corporation
- Is this property leased? NO Property owned by: \_\_\_\_\_  
Address: 940 Washington St. N. Auburn
- How is "yard" screened?  
 Fence (type) WOOD Height: 8 FT  
 Trees (type) \_\_\_\_\_  
 Embankment: \_\_\_\_\_  
 Gully: \_\_\_\_\_  
 Hill: \_\_\_\_\_  
 Other: metal 8 FT
- How far is edge of "yard" from center of highway?  
53 FT center to fence
- Can junk be seen from any part of highway? Yes \_\_\_\_\_ No X
- Were Junkyard Law, Requirements and Fees explained to you? Yes X No \_\_\_\_\_



City of Auburn, Maine

Office of The City Clerk
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

- 8. Is any portion of this "yard" on public property? Yes \_\_\_ No X
9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes \_\_\_ No X
10. When was "yard" established? 1938 By whom? Morris Auto Parts
11. When was last permit issued? 2022 2023 By whom? City of Auburn State of Maine

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: [Signature] for: Dons DBA Morris Auto Parts
Address: 940 Washington St N. Auburn, ME 04210
PO Box 283 Auburn ME 04212

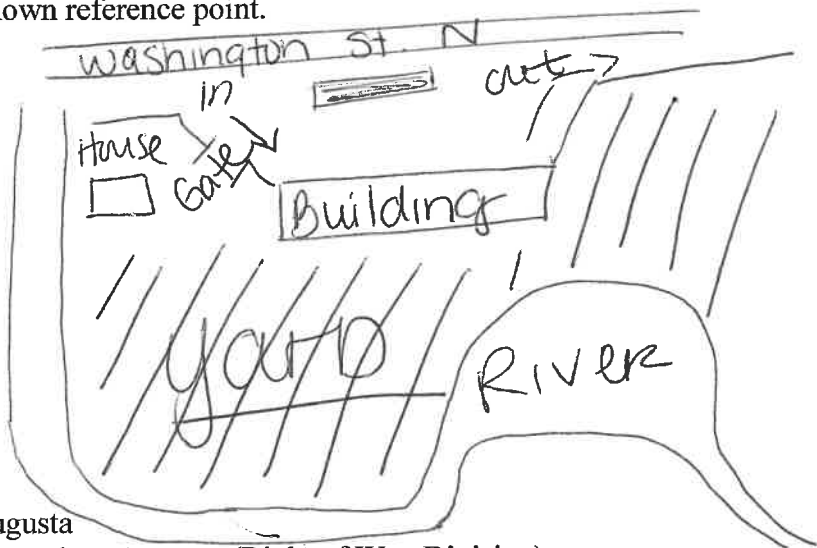
Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 170
Lot No. 020
Zone

Check correct direction:

- [X] North
[ ] East
[ ] West
[ ] South

- 1 copy of application to City
1 copy of application to Applicant
1 copy of application to State Police, Augusta
1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)





Police - DKBS 8/31  
Fire - DKDD 8/30  
Code - DK EC 8/31  
Tax - DK MC 8/31

Received 8/31/23



City of Auburn, Maine

Office of The City Clerk

500 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.533.6000

**CITY OF AUBURN  
AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT  
APPLICATION**

\*\*\*\*\*

To the City of Auburn, County of Androscoggin, Maine:

I/We Proterized New England Company, LLC hereby  
Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or  
Junkyard at the following described location and in accordance with the provisions of Title 30-A  
MRSA Sections 3751-3760.

**All questions must be answered in full.**

- Where is the location of the Automobile Graveyard and/or Junkyard?  
522 Washington Street, Auburn, ME 04210
- Is this application made by or for a company, partnership, corporation or individual:  
LLC
- Is this property leased? No Property owned by: Proterized New England Company  
Address: 69 Rover Street, MA 02149 LLC
- How is "yard" screened?  
 Fence (type) Metal Height: 8 Ft.  
 Trees (type) \_\_\_\_\_  
 Embankment: \_\_\_\_\_  
 Gully: \_\_\_\_\_  
 Hill: \_\_\_\_\_  
 Other: \_\_\_\_\_
- How far is edge of "yard" from center of highway?  
150 Ft.
- Can junk be seen from any part of highway? Yes \_\_\_\_\_ No X
- Were Junkyard Law, Requirements and Fees explained to you? Yes X No \_\_\_\_\_



City of Auburn, Maine

Office of The City Clerk

www.auburnmaine.gov

- 8. Is any portion of this "yard" on public property? Yes \_\_\_ No X
- 9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes \_\_\_ No X
- 10. When was "yard" established? 1986 By whom? Maine Metal Recycling
- 11. When was last permit issued? 2021 By whom? Prolerized New England Co, LLC

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: [Signature] for: Prolerized New England Co, LLC  
Name of Company, Corporation, Partnership or Individual

Address: 11 Times Square, NY, NY

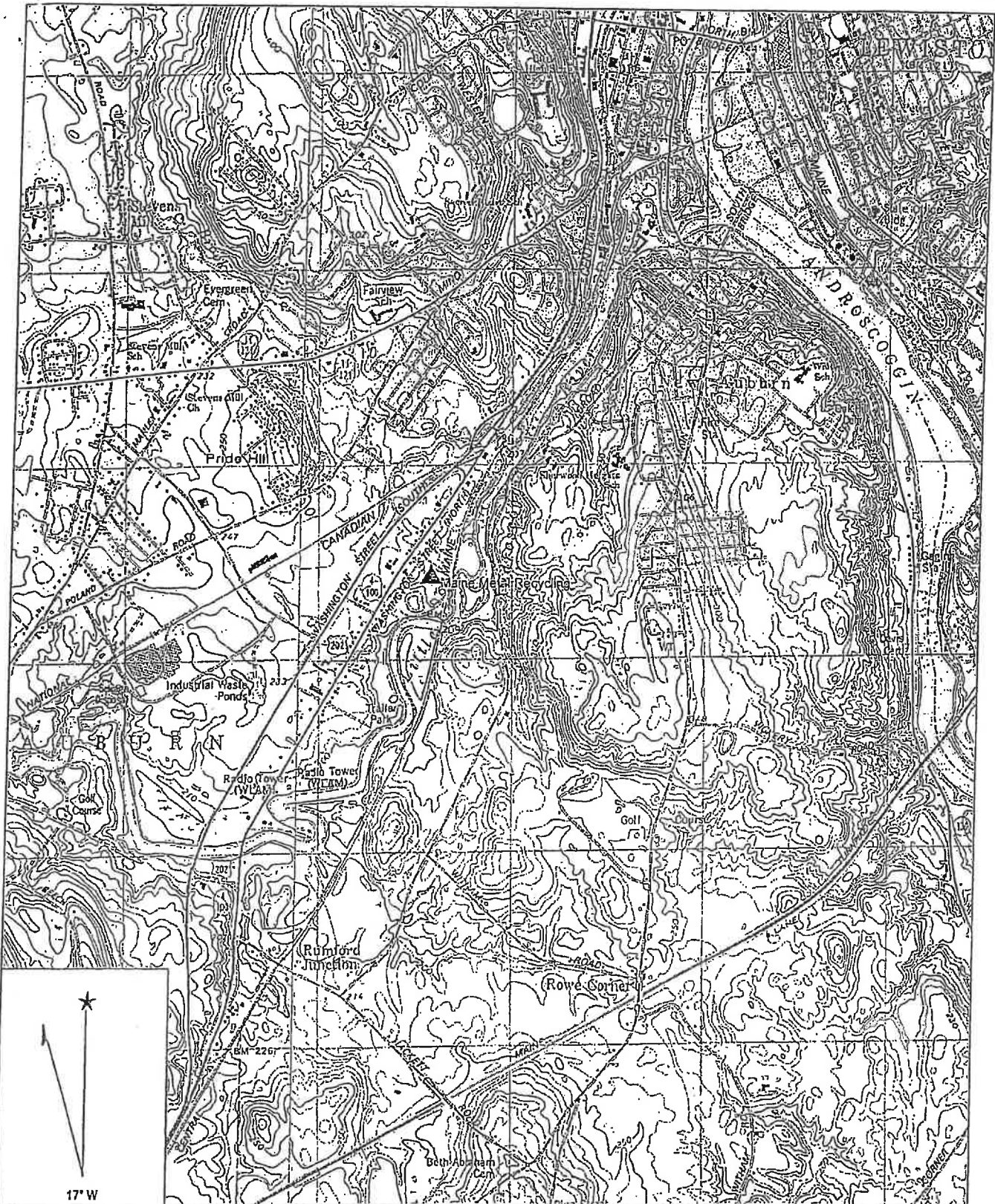
Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 189  
Lot No. 024  
Zone G89

Check correct direction:

- North
- East
- West
- South

- 1 copy of application to City
- 1 copy of application to Applicant
- 1 copy of application to State Police, Augusta
- 1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)



Name: LEWISTON  
 Date: 10/20/2006  
 Scale: 1 inch equals 2000 feet

Location: 044° 04' 14.2" N 070° 14' 14.1" W  
 Caption: Figure 1: Site Location Map  
 Maine Metal Recycling  
 522 Washington St. Auburn, ME

**NOTES:**

1. THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS SUBJECT TO THE APPROVAL OF THE LOCAL HEALTH DEPARTMENT AND THE STATE DEPARTMENT OF HEALTH. THE LOCAL HEALTH DEPARTMENT HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR THE PURPOSES OF THE LOCAL HEALTH DEPARTMENT. THE STATE DEPARTMENT OF HEALTH HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR THE PURPOSES OF THE STATE DEPARTMENT OF HEALTH. THE LOCAL HEALTH DEPARTMENT HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR THE PURPOSES OF THE LOCAL HEALTH DEPARTMENT. THE STATE DEPARTMENT OF HEALTH HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR THE PURPOSES OF THE STATE DEPARTMENT OF HEALTH.

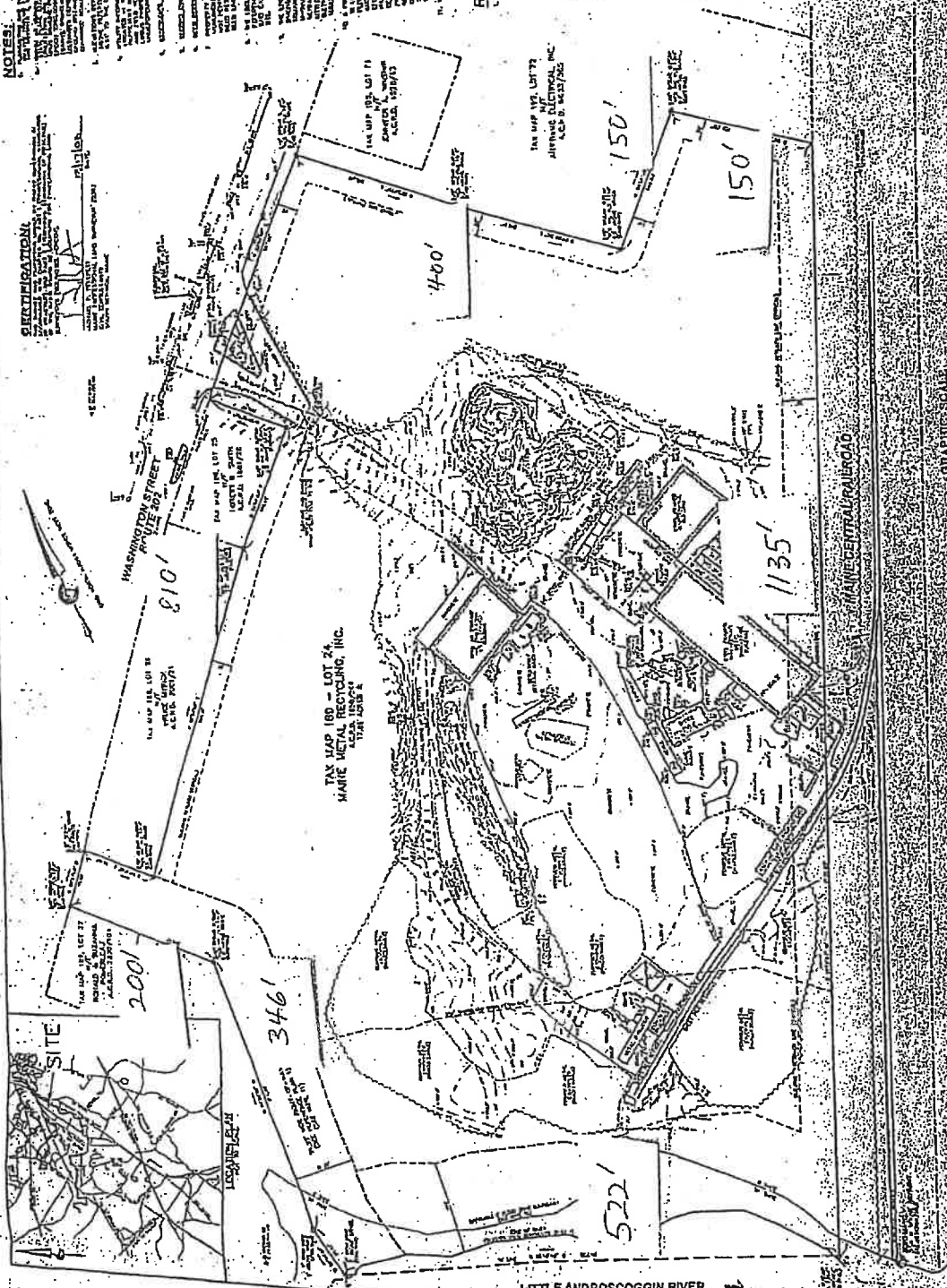
**OPERATIONAL:**  
 THE OPERATIONAL PLAN IS SUBJECT TO THE APPROVAL OF THE LOCAL HEALTH DEPARTMENT AND THE STATE DEPARTMENT OF HEALTH. THE LOCAL HEALTH DEPARTMENT HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR THE PURPOSES OF THE LOCAL HEALTH DEPARTMENT. THE STATE DEPARTMENT OF HEALTH HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR THE PURPOSES OF THE STATE DEPARTMENT OF HEALTH.

**REFERENCE PLANS:**

1. THE LOCAL HEALTH DEPARTMENT HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR THE PURPOSES OF THE LOCAL HEALTH DEPARTMENT. THE STATE DEPARTMENT OF HEALTH HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR THE PURPOSES OF THE STATE DEPARTMENT OF HEALTH.

**LEGEND:**

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----



Police - OK BS 8/31  
Fire - OK DD 8/30  
Code - OK EC 8/31  
Tax - OK MC 8/31

Received: 8/31/23



City of Auburn, Maine  
Office of The City Clerk  
[www.auburnmaine.gov](http://www.auburnmaine.gov)

### CITY OF AUBURN AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT APPLICATION

\*\*\*\*\*

To the City of Auburn, County of Androscoggin, Maine:

I/We Isadore T. Miller hereby  
Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or  
Junkyard at the following described location and in accordance with the provisions of Title 30-A  
MRSA Sections 3751-3760.

**All questions must be answered in full.**

1. Where is the location of the Automobile Graveyard and/or Junkyard?  
79 & 80 Hotel Road, Auburn, ME 04210
2. Is this application made by or for a company, partnership, corporation or individual:  
Corporation
3. Is this property leased? No Property owned by: Isadore T. Miller  
Address: 79 & 80 Hotel Rd., Auburn ME 04210
4. How is "yard" screened?  
 Fence (type) wood Height: 6 ft.  
 Trees (type) \_\_\_\_\_  
 Embankment: \_\_\_\_\_  
 Gully: \_\_\_\_\_  
 Hill: \_\_\_\_\_  
 Other: \_\_\_\_\_
5. How far is edge of "yard" from center of highway?  
200 ft.
6. Can junk be seen from any part of highway? Yes \_\_\_ No X
7. Were Junkyard Law, Requirements and Fees explained to you? Yes X No \_\_\_



City of Auburn, Maine

Office of The City Clerk

100 Commercial Street, Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) (207) 885-3000

8. Is any portion of this "yard" on public property? Yes \_\_\_ No X
9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes X No \_\_\_
10. When was "yard" established? 1930 By whom? Barker Family
11. When was last permit issued? 2022 By whom? City of Auburn to Isadore T. Miller

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: [Signature] for: Prolerized New England Company, LLC  
Name of Company, Corporation, Partnership or Individual

Address: 11 Times Square NY, NY

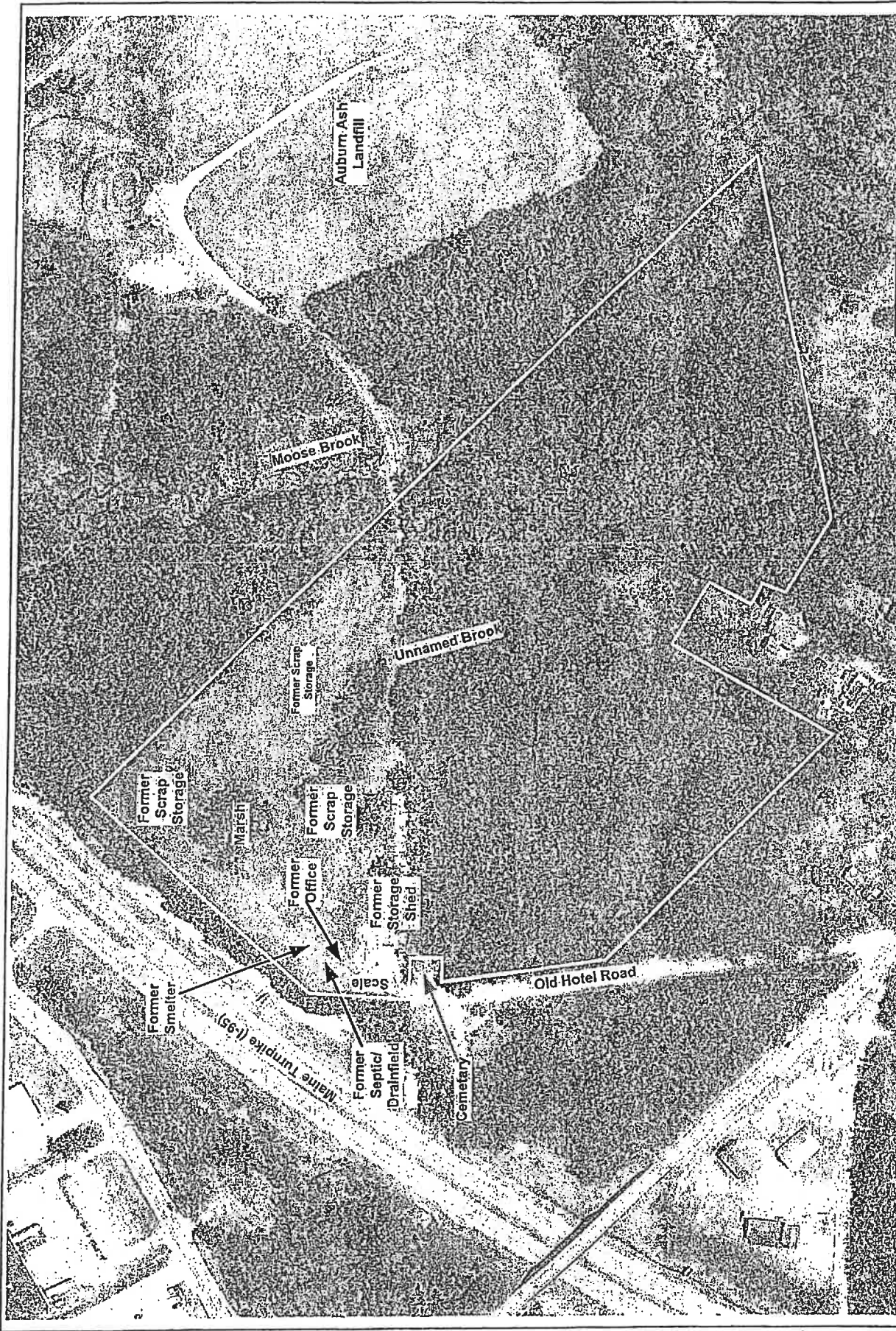
Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 79  
Lot No. 017 & 018  
Zone 13

Check correct direction:

- North
- East
- West
- South

- 1 copy of application to City
- 1 copy of application to Applicant
- 1 copy of application to State Police, Augusta
- 1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)



Danville  
79 Old Hotel Road, Danville, ME  
MRB Northeast  
RIEKE CONSULTING SERVICES, LLC

Approximate Scale

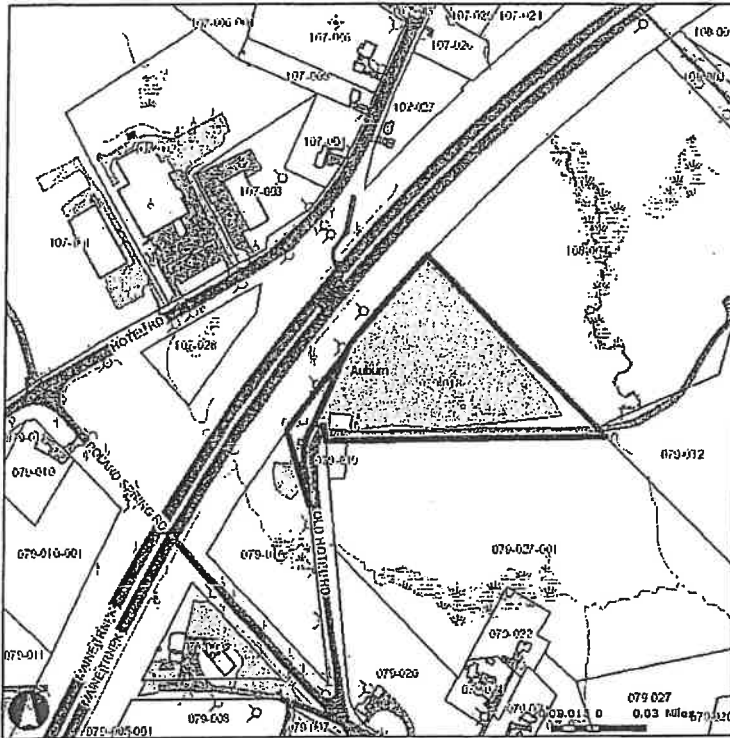


240 Feet

Base photograph May 2018



Map



079-017 (1)

Parcel IDs (1)

OBJECTID	OBJECTID_1	MAPLOT	SUBLOT	PID	CHANGED	ParcelID	Loc	NBC	Webpro	AccountNumber	UserAccount	Number	AltStreet	StreetName	LocCity	CondoUnit	Owner1	Owner		
880	981	079	017	000	079017000	Null	079-017	80	OLD HOTEL RD	R3	WebPro Summary Page	238	079017000	80	Null	OLD HOTEL RD	Null	Null	MILLER ISADORE T CO INC	Null

079-018 (1)

Parcel IDs (1)

OBJECTID	OBJECTID_1	MAPLOT	SUBLOT	PID	CHANGED	ParcelID	Loc	NBC	Webpro	AccountNumber	UserAccount	Number	AltStreet	StreetName	LocCity	CondoUnit	Owner1	Owner		
155	966	079	018	000	079018000	Null	079-018	79	OLD HOTEL RD	I3	WebPro Summary Page	239	079018000	79	Null	OLD HOTEL RD	Null	Null	MILLER C/O ISADORE SCHN. T CO INC	STEEL





**ORDER 113-09052023**

# City Council Order

## IN CITY COUNCIL

**ORDERED**, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Randy's Auto Parts, Inc., 899 Broad Street.

---

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

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

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



**ORDER 114-09052023**

# City Council Order

## IN CITY COUNCIL

**ORDERED**, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for M & P Auto, Inc., 227 Merrow Road.

---

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

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

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



**ORDER 115-09052023**

# City Council Order

## IN CITY COUNCIL

**ORDERED**, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Don's No Preference Towing of L/A, Inc., dba Morris Auto Parts, 940 Washington St. North.

---

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

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

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



**ORDER 116-09052023**

# City Council Order

## IN CITY COUNCIL

**ORDERED**, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Prolerized New England Company, LLC., 522 Washington St. North.

---

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

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

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



**ORDER 117-09052023**

# City Council Order

## IN CITY COUNCIL

**ORDERED**, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Isadore T. Miller, 79 & 80 Hotel Road.

---

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

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

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

## IN COUNCIL REGULAR MEETING AUGUST 21, 2023, VOL. 37 PAGE 69

Mayor Levesque called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

### 7:00 P.M. City Council Meeting

#### Pledge of Allegiance

#### I. Consent Items - None

#### II. Minutes - August 7, 2023, Regular City Council Meeting

Motion was made by Councilor Staples and seconded by Councilor Walker to approve the minutes of the August 7, 2023, Regular City Council meeting.

Passage 7-0.

#### III. Communications, Presentations and Recognitions

- Communication - Recycling update (City Manager Crowell)
- Council Communications (about and to the community)

**Councilor Staples** reported on attending the National Night Out event and thanked City staff for putting that on.

**Councilor Gerry** also reported on attending the National Night Out event and echoed the comments made by Councilor Staples.

**Mayor Levesque** announced that the Blues and Brews Fest will be held on September 9th at Festival Plaza. He announced that there will be an open house at the new Edward Little High School on Sunday, August 27<sup>th</sup> from 2:00 to 5:00 pm. There will be a ribbon cutting, speeches followed by tours of the new high school. Anyone attending should enter on Western Avenue. This is a rain or shine event.

**City Manager Crowell** reported that tax bills went out and they show the Homestead exemptions as zero, however the exemptions show up on the bills as "other" instead. He apologized for the error. He reported that Movie Night in the Park will be held at the PAL Center on September 1<sup>st</sup> at 8:00 pm. He also announced that the PAL Center had their backpack give away where 256 backpacks were given out.

#### IV. Open Session

Mara King, 59 Davis Avenue commented recycling and the information she just heard during the City Manager's update. She stated that residents need more education on composting and recycling.

Scott Berry, 179 Davis Avenue provided handouts to Councilors regarding something he read in the Sun Journal that a representative from the City of Auburn stated during a meeting of the Androscoggin County Commissioners that the current courthouse could be demolished. He spoke about the potential to repurpose the building into a fine arts museum.

**IN COUNCIL REGULAR MEETING AUGUST 21, 2023, VOL. 37 PAGE 70**

**V. Unfinished Business - None**

**VI. New Business**

**1. Order 110-08212023**

Directing the City Manager to report back to Council relating to cost, funding source, and location of a proposed Aquatic Center/Feasibility Study.

Motion was made by Councilor Walker and seconded by Councilor Hawes for passage.

Public comment – No one from the public spoke.

Passage 6-1 (Councilor Whiting opposed).

**2. Order 111-08212023**

Allocating \$50,000 out of the American Rescue Plan Act (ARPA) funds for Safe Voices.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage.

Public comment – Elise Johansen, Executive Director of Safe Voices stated that they are requesting funding from the City to help to renovate their Resource Center. She stated that she would also like to request that the City Council consider funding more than \$50,000 if additional ARPA funds are available.

Motion was made by Councilor Milks and seconded by Councilor Hawes to amend by increasing the amount to \$100,000.

Passage 4-3 (Councilors Morin, Walker, and Gerry opposed).

Passage as amended 5-2 (Councilors Walker and Gerry opposed).

**3. Order 112-08212023**

Allocating \$20,000 from the American Rescue Plan Act (ARPA) funds to the Boys & Girls Club of Southern Maine – Auburn Clubhouse with \$10,000 to be the “Presenting Sponsor” for the “Fall for the Kids” fundraising event and an additional \$10,000 for additional Auburn Programming.

Motion was made by Councilor Gerry and seconded by Councilor Walker for passage.

Public comment – No one from the public spoke. Councilor Walker invited Gary Violette, Director of the Auburn Boy’s & Girl’s Club, to the podium to speak.

Passage 7-0.

**VII. Open Session – No one from the public spoke.**

**VIII. Reports**

Mayor Levesque reported that the first meeting of the committee on Naming Facilities and Infrastructure was held last week and the next meeting is scheduled for September 12th at 4:00 pm.

Councilor Walker thanked the volunteers that worked with him at the Balloon Festival. The Age Friendly group had a table set up selling beverages. He also reported that the Age Friendly Committee will be holding another clothing giveaway, at the Auburn Public Library on October 7<sup>th</sup>. Anyone with donations can reach out to him and he will pick up the items if needed. He also thanked the Public Works department for the work they've done in Anniversary Park.

**IX. Executive Sessions – Personnel matter (City Manager evaluation) pursuant to 1 M.R.S.A. Sec. 405(6)(A).**

Motion was made by Councilor Milks and seconded by Councilor Walker to enter into executive session.

Passage 7-0. Time in 7:42 pm.

Council was declared out of executive session at 8:00 pm.

**X. Adjournment**

Motion was made by Councilor Morin seconded by Councilor Walker to adjourn.

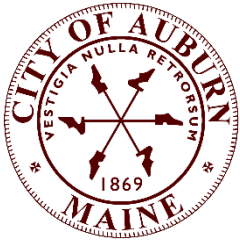
Unanimously approved and the meeting adjourned at 8:00 pm.

A TRUE COPY

ATTEST 

Susan Clements-Dallaire, City Clerk





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 5, 2023

**Order:** 118-09052023

**Author:** Glen E. Holmes, Director of Business & Community Development

**Subject:** North River Road land swap

---

**Information:**

The City currently owns parcel 271-100-000 (.74 Acres) on North River Road adjacent to 273 North River Road a recently developed residential development. The owner of the development currently owns parcel 261-056-002 (.6 Acres) adjacent to the cities public boat launch on North River Road. The parcels being of similar size and of no current particular value to the owning party are deemed to be worth similar values. By exchanging these parcels each has a greater potential future value.

---

**City Budgetary Impacts:**

Minimal increase in tax revenue with no additional costs.

---

**Staff Recommended Action:**

Approve the order as presented.

---

**Previous Meetings and History:**

None

---

**City Manager Comments:**



I concur with the recommendation. Signature:

---

**Attachments:**

None



**ORDER 118-09052023**

# City Council Order

## IN CITY COUNCIL

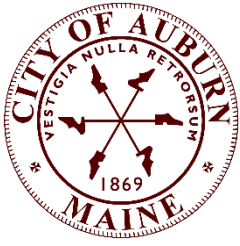
**ORDERED**, that that City Council hereby authorizes The City Manager to execute a real estate transaction to swap City owned parcel 271-100-000 for privately held parcel 261-056-002 and any associated paperwork required.

---

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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 5, 2023

**Ordinance:** 11-09052023

**Author:** Katherine Cook, Planning Coordinator

**Subject:** Consider a proposed text change to Sec. 60-548B-*Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen Petition submitted on June 12, 2023.

---

**Information:** This text amendment to Sec. 60-458B- Front Setback, Principal was initiated by a citizen's petition which asks to codify the interpretation of where to measure the front setback from. This language addition is consistent with the comprehensive plan, but staff suggests a few additional changes to T-4.2B including amending Sec. 60-548B.2- Building frontages to allow for greater flexibility for single family homes and duplexes and amending Sec. 60-548B.1- Building placement and configuration T-4.2B to decrease the minimum frontage buildout for residential lots. Because staff recommends additional changes to the text of the zone in conjunction with what the petition proposed, amending the ordinance with each of these changes included is preferable.

---

**City Budgetary Impacts:** None.

---

**Staff Recommended Action:** Staff recommends that the Council vote **not to approve** first reading of the petition-initiated amendment to T-4.2B. Staff recommends instead to consider the changes that are presented as the next item in the Council packet.

---

**Previous Meetings and History:** July 7, 2023- Planning Board Public Hearing and vote to table until the next meeting; August 8, 2023- Planning Board Public Hearing and recommendation to not amend the ordinance as described.

**City Manager Comments:**

I concur with the recommendation. Signature:

---

**Attachments:** Recommendation to City Council, Planning Board Staff Report, draft amendment to Sec. 60-549, signed and notarized citizen petition, Draft Ordinance 11-09052023.



## City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on a citizen petition-initiated zoning text amendment affecting T-4.2B.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

**Proposal:** Consider a proposed text change to Sec. 60-548B-*Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen Petition submitted on June 12, 2013. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance or Zoning Map. This item was tabled at the July 11, 2023, meeting.

**MOTION:** Evan Cyr; Second: David Trask.

“I make a motion to recommend that the Council not amend (\*) the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. *Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen’s Petition submitted June 12, 2023.” **VOTE:** Motion passes 7-0-0.



## City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

04210 [www.auburnmaine.gov](http://www.auburnmaine.gov) |

207.333.6601

To: Auburn Planning Board  
From: Katherine Cook, Planning Coordinator  
Re: Staff Report: Petition to amend T-4.2B zoning text  
Date: August 8th, 2023

**I. Public Hearing/ Zoning Text Amendment:** Consider a proposed text change to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen’s Petition submitted June 12, 2023 and subsequently tabled by the Planning Board to a date certain (August 8<sup>th</sup>, 2023) on the July 11, 2023 Planning Board meeting. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the zoning ordinance or zoning map.

**II. Background:** Amendments to the zoning ordinance, including the zoning map, may be initiated by the Planning Board on its own initiative or upon request by the City Council or by a petition signed by not less than 25 registered voters of the city (Ord. of 9-21-2009, Sec. 8.1A) Zoning map and text changes may be appropriate where they serve to support the goals of the Comprehensive Plan.

Staff currently understands that front setbacks in T-4.2B zoning districts may be measured from shared accessways, private ways, and shared parking areas. This petition seeks to clarify this understanding by adding the underlined language to Sec. 60-548B as follows: “Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of the principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. **Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area.**”

This language addition is consistent with the comprehensive plan, but staff suggests a few additional changes to T-4.2B including amending Sec. 60-548B.2- Building frontages to allow for greater flexibility for single family homes and duplexes and amending Sec. 60-548B.1- Building placement and configuration T-4.2B to decrease the minimum frontage buildout for residential lots.

In the petition's explanation, the circulator intends for the added language confirming setback interpretation to be applied to the approval of past projects to this point, and notwithstanding M.R.S. § 302 is intended to apply retroactively to all pending proceedings, without requiring any remand for re-approval by the Board for its implementation to approved projects. Staff acquired legal counsel on the intention for this language change to apply retroactively, and as such, recommends that the Board not consider retroactive because the language was not included in the petition for the amendment to change the text in the asterisk (\*) to Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B.

**Planning Board Action:** Staff suggests planning board forward a negative recommendation to Council on the proposed text change to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023 and recommend that they not consider the retroactive language suggested in the description of the petition.

**III. Suggested Reasons and Finding of Fact:**

1. The applicant submitted rezoning petitions and signatures, Text with public Notice, on June 12, thus meeting submission standards (Sec. 60-1446).
2. The text amendment is consistent with the current comprehensive plan and the intent of the existing ordinance text and diagrams.
3. The text and intent of the petition can be clarified in a different way and the Board will review that later this evening.

**V. Suggested Motion:** I make a motion to recommend that the Council not amend (\*) the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. *Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023.

**Sec. 60-548B. Traditional Neighborhood T-4.2B.**

**Illustrative View of T-4.2B**



**Intent and Purpose:  
Traditional Neighborhood (T-4.2B)**

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

Item #3 Citizen Petition New Proposed Text Language

---





## Item #3 Citizen Petition New Proposed Text Language

---

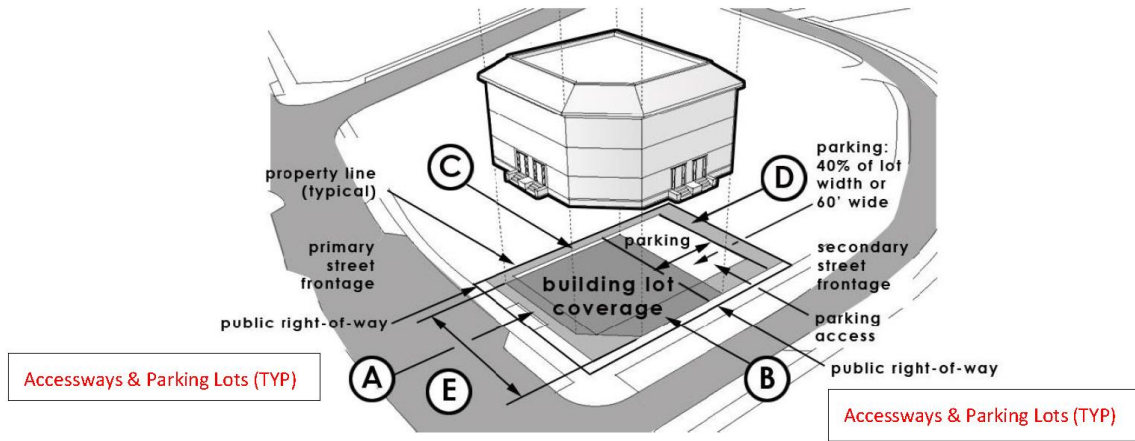


### Characteristic Features

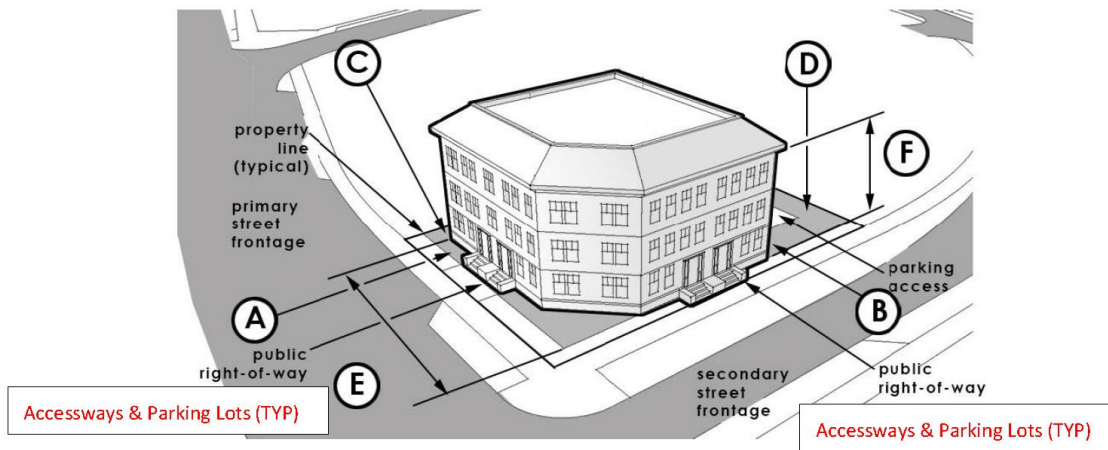
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 20-09062022, § 2, 9-19-2022)

**Sec. 60-548B.1. Building placement and configuration T-4.2B.**



**Elevated Building Placement**



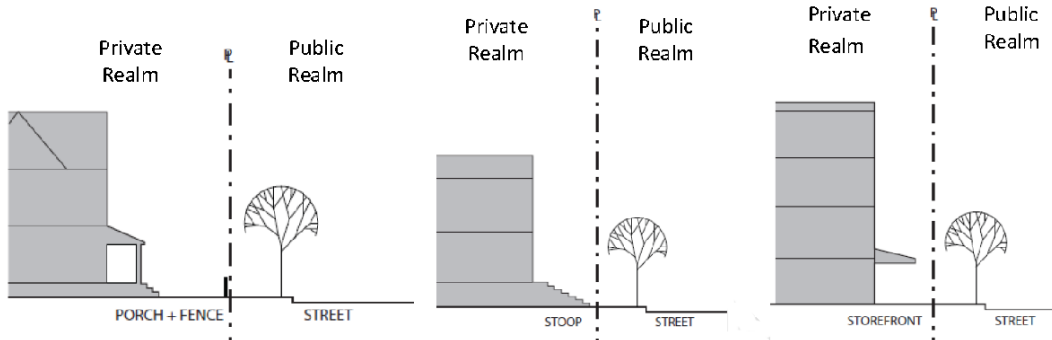
**Building Placement on Lot**

<b>PRINCIPAL BUILDING PLACEMENT:</b>		
Front setback, principal:	5 ft. min./25 ft. max.*	(A)
(Corner lot) front setback, secondary:	5 ft. min./15 ft. max.	(B)
Side setback:	5 ft. min.	(C)
Rear setback:	10 ft. min.	(D)
Building lot coverage:	70% Max.	
Useable open space:	10% Min.	
Frontage build-out:	60% min (along front setback, primary)	
Lot Width:	24 ft. min/120 ft. max.	
<b>PRINCIPAL BUILDING CONFIGURATION:</b>		
Building width:	14 ft. min./110 ft. max.	(E)
Building height minimum:	1 story min.	(F)
Building height maximum:	3 story max.	(F) (excluding attic story)

\* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. [Front Setback, Principal Where a private shared access drive is provided serving more than once structure \(minimizing access points on any public road\), the front setback shall be measured from the private access drive, pedestrian accessway or parking area.](#)

(Ord. No. 20-09062022, § 2, 9-19-2022)

**Sec. 60-548B.2. Building frontages T-4.2B.**



**Common or Porch Yard Stoop Yard Frontage Storefront Type**

<b>BUILDING FRONTAGE TYPES:</b>	Common yard; porch yard, stoop and storefront.
<b>BUILDING ENTRIES:</b>	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground story building frontage facade:	<u>Residential</u> - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. <u>Commercial</u> - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper story building frontage facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground story finished floor elevation:	<u>Residential</u> - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). <u>Commercial</u> - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage facade wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 20-09062022, § 2, 9-19-2022)

**Sec. 60-548B.3. External elements T-4.2B.**

Front yard fence:	<u>Residential</u> - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed .
Front yard fence/wall opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & stoop encroachments:	Porches & stoops may encroach upon the minimum front setback line by the following distances: Front setback, principal frontage 5 ft. maximum. Front setback, secondary frontage 5 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	<u>Residential</u> - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right-of-way or sidewalk. Street trees are encouraged.
Foundation planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 20-09062022, § 2, 9-19-2022)

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

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

USE(1)	T-4.1	T-4.2B(4)	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS(2)
<b>Residential Use Type</b>							
Single family	P	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	P	1 sp/DU
Multi-family	P	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & breakfast < 4 rooms	S	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & breakfast > 4 rooms	S	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/child care facility	S	S	S	S	S	P	½ sp/employee plus 1 sp/8 users
Home occupation	P	P	P	P	P	P	Based on use type (ch. 60, art. IX)
Community based residential facilities	P	S	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding house/ lodginghouse	P	S	P	P	S	X	1 sp/guestroom plus 1 sp/employee
<b>Office/Service</b>							
Professional offices	S	S	S	P	P	P	None
Medical and dental clinics	S	S	S	P	P	P	None
Personal services	S	S		P	P	P	None
<b>Retail Type Use</b>							
General retail	S	S	S	P	P	P	None
Age restricted retail(3)	S	X	S	S	S	S	None
Specialty shops	S	P	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		X	S	S	P	P	None
Halls, private clubs, indoor amusement	S	S	S	S	P	P	None
Artist studios, performing art center	S	S	S	P	P	P	None

<b>Civic</b>							
Church or places of worship	S	S	S	P	P	P	None
Government offices	X	S	X	P	P	P	None
Art galleries	S	P	P	P	P	P	None
Transportation facilities	X	X	X	S	S	S	None
Adaptive reuse of structures of community significance	S	S	S	S	S	S	None
Public safety services(5)	S	S	S	S	S	S	None
Government service(5)	S	S	S	S	S	S	None
Municipal or public utilities and communication facilities(5)	S	S	S	S	S	S	None
Municipal services	P	P	P	P	P	P	None
Detention facility(5)	X	X	X	X	S	X	None

**Notes:**

- (1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.
- (2) \* Parking requirements in T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 500 feet of the principal building, subject to planning board approval.
- (3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.
- (4) Office, service and retail uses limited to 1,500 SF footprint and must include a residential unit; no drive through businesses allowed.
- (5) All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021; Ord. No. 20-09062022, § 3, 9-19-2022; Ord. No. 02-02132023, 2-17-2023)

East Auburn -- Citizens' Petition

REZONING PETITION

MUNICIPALITY Auburn TOTAL VALID 38 TOTAL INVALID 5

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote in the City of Auburn.

Date petition certified: 6/12/2003 Signature of Registrar: Sharon F. Poole

DATE & TIME PETITION RECEIVED  
6/12/2003  
1:42

## REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the City of Auburn Zoning Ordinance to add clarity. The proposed change includes an amendment to change the text in the asterisk (\*) to Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B . *Front Setback, Principal* for Traditional Neighborhood T-4.2B to add the underlined language as follows

<b>PRINCIPAL BUILDING PLACEMENT:</b>		
Front Setback, Principal.	5 ft. Min./, 25 ft. Max.*	(A)
{Corner Lot} Front Setback, Secondary.	5 ft. Min., 15 ft. Max.	(B)
Side Setback:	5 ft. Min.	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	70% Max.	
Useable Open Space:	10% Min.	
Frontage Build-Out:	60% Min (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 120 ft. Max.	
<b>PRINCIPAL BUILDING CONFIGURATION:</b>		
Building Width:	14 ft. Min., 110 ft. Max.	(E)
Building Height Minimum:	1 Story Min.	(F)
Building Height Maximum:	3 Story Max.	(F) (excluding attic story)

\* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian access way or parking area.

**Explanation:** One of the primary tests of a zone change is its conformance with the Comprehensive Plan. GROWTH AREAS Type A [Residential] The Traditional Neighborhood Development (TND) District requires that new development be designed to minimize the number of vehicular access points to existing collector or other roads; shared driveways are encouraged; and dimensional standards be established that relate to the size and width of the lot. A copy of that Comprehensive Plan section is attached and marked as Exhibit A. The City has adopted the T-4.2B zoning district to meet the goals of the TND District in the Comprehensive Plan by encouraging the use of shared driveways and limiting vehicular access points to Collector roadways, the new Ordinance was intended to allow for front setbacks in the T-4.2B district to be measured from Access Ways and Parking areas on internal, shared access points. This amendment clarifies the existing text to advance the shared access point objectives of the Plan; confirms the interpretation of the dimensional requirements of the T-4.2B zoning district adopted by the planning board in its approval of projects to date; and notwithstanding 1 M.R.S. § 302 is intended to apply retroactively to all pending proceedings, without requiring any remand for re-approval by the Board for its implementation to approved projects.






Note \* Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

Circulator's Affidavit

I CAROL DeROY  
of 68 Aquamarine Ct., Auburn, hereby certify that I am a resident of  
the City of Auburn; that I personally circulated this paper and witnessed the  
signatures thereon; and, to the best of my knowledge and belief, each signature  
is that of the person it purports to be. Further, I certify that each signer had the  
opportunity, before signing, to read the full text of the ordinance proposed to be  
enacted. \_\_\_\_\_

Signature of Circulator

Carol A. DeRoy

Printed Name CAROL DeROY

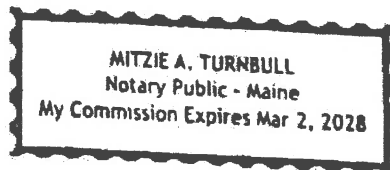
Subscribed to and sworn before me on this date June 10, 2023 (Date must be completed by Notary)

Mitzi A. Turnbull

Signature of Notary

Mitzi A. Turnbull Printed Name

Date my Notary Commission expires: March 2, 2028






Note \* Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

Circulator's Affidavit

I Abigail Prosser  
of Auburn, ME, hereby certify that I am a resident of  
the City of Auburn; that I personally circulated this paper and witnessed the  
signatures thereon; and, to the best of my knowledge and belief, each signature  
is that of the person it purports to be. Further, I certify that each signer had the  
opportunity, before signing, to read the full text of the ordinance proposed to be  
enacted. AMM

Signature of Circulator

Abigail L. Prosser

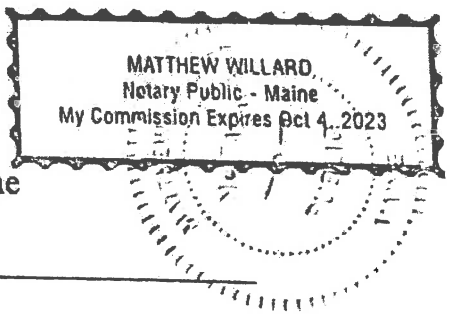
Printed Name

Subscribed to and sworn before me on this date 06/09/2023 (Date must be  
completed by Notary)

[Signature]

Signature of Notary

MATTHEW WILLARD Printed Name



Date my Notary Commission expires: 10/04/2023


Note \* Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

Circulator's Affidavit

I Jessra Klimek  
of Auburn, hereby certify that I am a resident of  
the City of Auburn; that I personally circulated this paper and witnessed the  
signatures thereon; and, to the best of my knowledge and belief, each signature  
is that of the person it purports to be. Further, I certify that each signer had the  
opportunity, before signing, to read the full text of the ordinance proposed to be  
enacted.

Signature of Circulator

Jessica Klimek

Printed Name

Subscribed to and sworn before me on this date 06/10/2023 (Date must be  
completed by Notary)

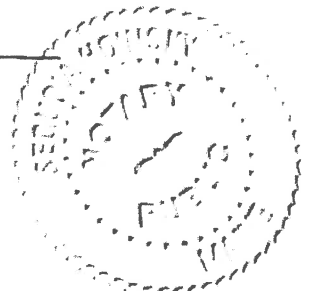
[Signature]

Signature of Notary

Sequoia Hoinsky Printed Name

Date my Notary Commission expires: September 19, 2029

SEQUOIA HOINSKY  
NOTARY PUBLIC  
State of Maine  
My Commission Expires  
September 19, 2029



# Exhibit A

In addition to the Future Land Use Map, four detail maps ( [REDACTED] ) show the future land use designations for specific portions of the community, including Downtown, New Auburn, Minot Avenue, and Center Street.

---

## **FUTURE LAND USE PLAN VISION STATEMENT:**

---

As a model of carefully managed growth, Auburn seeks to grow outward from the historic cores within our city and be known for its strong, vibrant neighborhoods. The city is committed to making careful, effective, and efficient use of land and corresponding services, while strengthening the character of our neighborhoods, ensuring that resources exist to maintain and enhance the quality of life for current and future residents. Auburn's continued commitment to strong community connections, embracing opportunity, and mindful growth should be balanced with natural resource conservation and woven into the city's unique identity.

### 1. GROWTH AREAS –

#### Type A: Development Areas

Designation: Residential

#### **TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND)**

**Objective** – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre in areas that are served or can be served by public/community sewerage and public/community water ( [REDACTED] ). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

**Allowed Uses** – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update ( [REDACTED] ). The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

**Development Standards** – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 10 feet. Side and rear setbacks should

# Exhibit A

be 5-15 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

## **SUBURBAN DEVELOPMENT DISTRICT (SD)**

**Objective** – Allow for the development of a limited range of residential and community uses at a density of up to 6-8 units per acre in areas that are served or can be served by public/community sewerage and/or public/community water (see Figure 2.4). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

**Allowed Uses** – The Suburban Development District generally follows the boundaries of the Multifamily Suburban and Suburban Residential Zoning Districts, in effect at the time of the 2021 Comprehensive Plan update (see appendix). The following general types of uses should be allowed within the Suburban Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Recreational Uses of Land
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

**Development Standards** – Residential uses should be allowed at a density of up to 8 units per acre with no minimum road frontage required, shared driveways are encouraged. In general, the minimum front setback should be 10 feet. Side and rear setbacks should be 5-20 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

Designation: Nonresidential and Mixed Use

## **FORM-BASED CODE DEVELOPMENT DISTRICT (FBCD)**

**Objective** – Stabilize and promote continued investment in the City's high-density neighborhoods which include a mix of housing types including multi-unit buildings to assure that they remain safe, attractive areas in which residents want to live (see Figures 2.3 and 2.4). To this end, the district should allow property owners to upgrade their properties, and for infill development and redevelopment/reuse to occur, as long as it is compatible with the character of the neighborhood.

**Allowed Use** – The Form-Based Code Development District generally follows the boundaries of the Form-Based Code (Transects 4.1, 4.2, 5.1, 5.2 and 6), in effect at the time of the 2021 Comprehensive Plan update (see appendix). The following general types of uses should be allowed within the Form-Based Code Development District:

- Low and High Density Residential Dwelling Units
- Home Occupations
- Civic Uses
- Office/Service Type Uses
- Retail Type Uses

**Development Standards** – The reuse/reconfiguration of existing buildings for residential purposes should be allowed without consideration of density/lot size requirements, provided that



# City Council Ordinance

## IN CITY COUNCIL

**Be it ordained**, that the Auburn City Council amend to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B, specifically adding an asterisk (\*) to the Table of PRINCIPAL BUILDING PLACEMENT, *Front Setback, Principle for Traditional Neighborhood T-4.2B* and adding the following underlined language to the same section: "Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area."

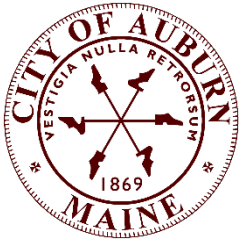
---

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

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

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





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 5, 2023

**Ordinance:** 12-09052023

**Author:** Katherine Cook, Planning Coordinator

**Subject:** Consider a proposed text change to Sec. 60-548B, T-4.2B 1.) Sec. 60-54B Intent and Purpose, 2.) Sec. 60-548B.1, building placement on lot, frontage buildout, 3.) Sec. 548B.2 common or porch yard stoop yard frontage storefront type, building envelope articulation, ground and upper story building façade.

---

**Information:** On July 7, 2023, The Planning Board help a public hearing on a citizen petition-initiated change to T-4.2B which sought to further define how to measure front setbacks. At this time, staff suggested that there are other elements of the ordinance in addition to adding language to Sec. 60-5480-Front Setback, Principal. Specifically, that there should be more flexibility and simplicity in applying the ordinance to single family and two-family homes. This proposed amendment offers language to clarify the point from which one may measure front setback on their property, and reduce the frontage buildout restrictions on single family, and two-family homes, and dwellings with an accessway that is shared by more than one structure. Staff is recommending these changes because it is plausible that such restrictions, if they remain, could cause undue burden to a smaller developer, and hinder the goals to reduce access points onto public streets.

---

**City Budgetary Impacts:** None.

---

**Staff Recommended Action:** Staff recommends that the Council adopt the first reading of the attached amendments to T-4.2B.

---

**Previous Meetings and History:** July 7, 2023- Planning Board initiated request to consider additional amendments to T-4.2B following the T-4.2B citizens petition that was tabled at this same meeting; August 8, 2023- Planning Board Public Hearing and recommendation to amend the ordinance as described.

---

**City Manager Comments:**

I concur with the recommendation. Signature:

---

**Attachments:** Recommendation to City Council, Planning Board Staff Report, draft amendment to Sec. 60-549, draft ordinance and Ordinance 12-09052023.



# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on a staff0-recommemnded amendments to T-4.2B text.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

**Proposal:** Consider a proposed text change for Sec. 60-548B, T-4.2B pursuant to Chapter 60, Article XVII, Division 2- Amendment to the zoning ordinance 1.) Sec. 60-54B Intent and Purpose, 2.) Sec. 60-548B.1, building placement on lot, frontage buildout, 3.) Sec. 548B.2, common or porch yard stoop yard frontage storefront type, building envelope articulation, ground and upper story building façade.

**MOTION:** David Trask; Second: Evan Cyr.

“I make a motion to recommend that the City Council approve the proposed ordinance amendment(attached), including amendments to:

- 1) Sec. 60-548B- 1. Intent and Purpose “setback”,
- 2) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout for commercial and multi-family and 30% minimum for single family and two-family homes. This provision does not apply to developments with private shared access ways to more than one structure.,
- 3) Sec. 548B.2, Building Frontages T4.2B Table as shown on the attached Ordinance Amendment Document.
- 4) Amendment to the note (\*) in the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Front Setback, Principal - Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area. (As shown in the attached Ordinance Amendment Document)”

**VOTE:** Motion passes 6-1-0.



## City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

04210 [www.auburnmaine.gov](http://www.auburnmaine.gov) |

207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report: Staff Recommendation Text Amendments to T-4.2B to Add Clarity

Date: August 8th, 2023

**I. Public Hearing/ Zoning Text Amendment:** Consider a proposed text change to Sec. 60-548B- 1.) Intent and Purpose, 2.) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout, 3.) Sec. 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. 4.) amend (\*) the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. *Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area for Traditional Downtown Neighborhood T-4.2B.*

**II. Background:** Staff currently understands that additional clarity is desired for the text of the T-4.2B Zoning District. The current text of the T-4.2B form-based codes does not differentiate between residential single-family homes, development of small infill lots and special exception/subdivision development of larger lots. Some clarification is recommended that effects frontage buildout, setback measurements and general clerical items.

Staff suggests that the Board consider language similar to the previous petition in addition to amending Sec. 60-548B.2- Building frontages to allow for greater flexibility for single family homes and duplexes and amending Sec. 60-548B.1- Building placement and configuration to decrease the minimum frontage buildout for residential lots. The proposed language and changes are attached. Staff recommends that the Planning Board hold a Public Hearing, and vote on the amendments to the zone.

**Planning Board Action:** Staff suggests planning board hold a public hearing and vote to recommend approval of the ordinance amendments(attached).

### III. Suggested Reasons and Finding of Fact:

1. The text amendment is consistent with the current comprehensive plan.
2. The proposed text amendment clarifies the intent of the existing ordinance and encourages shared access ways for multiple buildings to minimize curb openings on public streets.
3. The amendment modifies the T4.2B text to allow additional flexibility and simplify permitting for one and two-family homes.

**V. Suggested Motion:** I make a motion to recommend that the City Council approve the proposed ordinance amendment(attached), including amendments to:

1) Sec. 60-548B- 1. Intent and Purpose “setback”,

2) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout for commercial and multi-family and 30% minimum for single family and two-family homes. This provision does not apply to developments with private shared access ways to more than one structure.,

3) Sec. 548B.2, Building Frontages T4.2B Table as shown on the attached Ordinance Amendment Document.

4) Amendment to the note (\*) in the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Front Setback, Principal - Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area.

(As shown in the attached Ordinance Amendment Document)

**Sec. 60-548B. Traditional Neighborhood T-4.2B.**



**Illustrative View of T-4.2B**

**Intent and Purpose:  
Traditional Neighborhood (T-4.2B)**

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

**[Illustrative View of T-4.2B](#)**



Sec.60-40(b) Table update

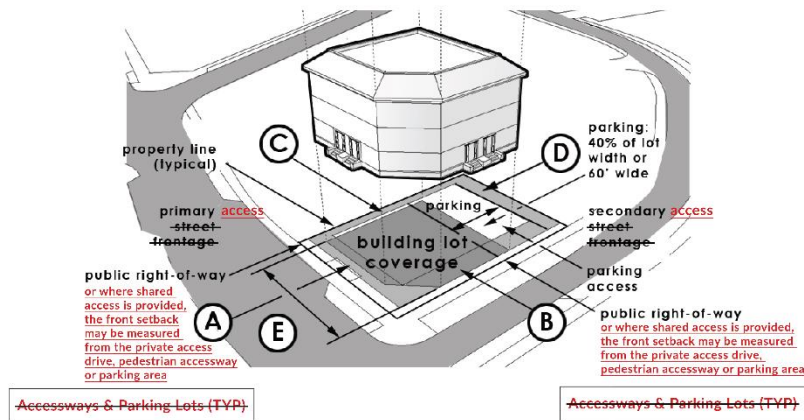


### Characteristic Features

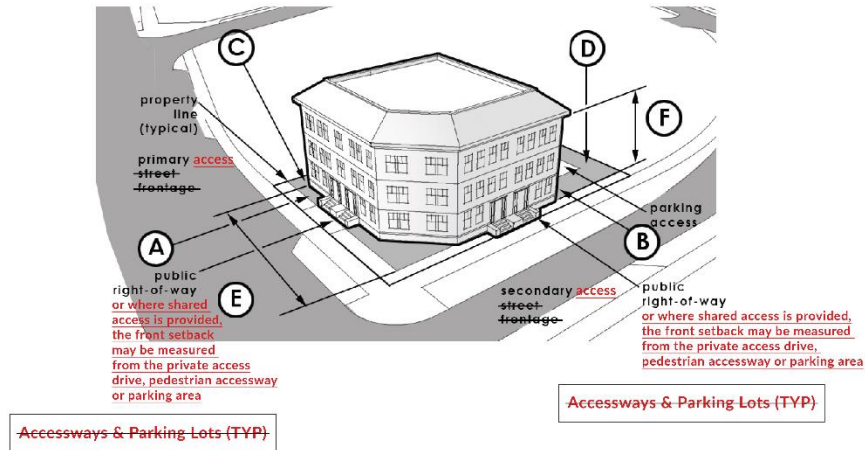
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 20-09062022, § 2, 9-19-2022)

### Sec. 60-548B.1. Building placement and configuration T-4.2B.



Elevated Building Placement



### Building Placement on Lot

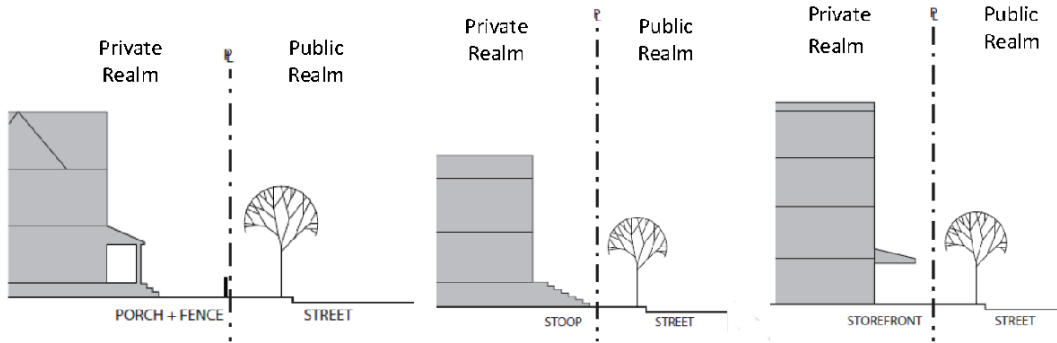
PRINCIPAL BUILDING PLACEMENT:		
Front setback, principal:	5 ft. min./25 ft. max.*	(A)
(Corner lot) front setback, secondary:	5 ft. min./15 ft. max.	(B)
Side setback:	5 ft. min.	(C)
Rear setback:	10 ft. min.	(D)
Building lot coverage:	70% Max.	
Useable open space:	10% Min.	
Frontage build-out:	60% min (along front setback, primary) <a href="#">for commercial and multi-family uses and 30% minimum for single family and two-family homes. This provision does not apply to developments with private shared access ways to more than one structure.</a>	
Lot Width:	24 ft. min/120 ft. max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building width:	14 ft. min./110 ft. max.	(E)
Building height minimum:	1 story min.	(F)
Building height maximum:	3 story max.	(F) (excluding attic story)

\* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. [Front Setback, Principal – Where a private shared access drive is provided serving more than one structure \(minimizing access points on any public road\), the front setback may be measured from the private access drive, pedestrian accessway or parking area.](#)

(Ord. No. 20-09062022, § 2, 9-19-2022)



**Sec. 60-548B.2. Building frontages T-4.2B.**



**Common or Porch Yard Stoop Yard Frontage Storefront Type**

<b>BUILDING FRONTAGE TYPES:</b>	Common yard; porch yard, stoop and storefront.
<b>BUILDING ENTRIES:</b>	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground story building frontage facade:	<p><a href="#">Residential with one or two units – No minimum and maximum window and door area applies.</a></p> <p><a href="#">Residential with three or more units</a>- Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade.</p> <p><a href="#">Commercial</a> - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.</p>
Upper story building frontage facade:	<p><a href="#">Residential structures with one or two units – No minimum and maximum window and door area applies.</a></p> <p><a href="#">Residential structures with three or more units and Commercial</a> - Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.</p>
Ground story finished floor elevation:	<p><a href="#">Residential</a> - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade).</p> <p><a href="#">Commercial</a> - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.</p>
Frontage facade wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 20-09062022, § 2, 9-19-2022)

**Sec. 60-4. Zoning districts.**

- (a) For the purposes in section 60-3, the use, construction and alteration of buildings and structures and the use and alteration of land in the city are hereby restricted and regulated according to the provisions of this chapter.
- (b) The city is hereby divided into zoning districts designated as follows and more fully described on the official zoning map:

District title	Classification	Short title
Agriculture and Resource Protection	Resource	AG
Low Density Country Residential	Resource/Residential	LDCR
Rural Residence	Residential	RR
Suburban Residence	Residential	SR
Urban Residence	Residential	UR
Multifamily Suburban	Residential	MFS
Multifamily Urban	Residential	MFU
Planned Unit Development	Residential/Commercial	PUD
Downtown Enterprise Zone	Residential/Commercial	DEZ
General Business	Commercial	GB
Neighborhood Business	Commercial	NB
Form Based Code Regulating Plan:		
Traditional Main Street Neighborhood (Transect 4.1)	Residential/Commercial	T-4.1
<b>Traditional Neighborhood (Transect 4.2B)</b>	<b>Residential/Commercial</b>	<b>T-4.2B</b>
Traditional Downtown Neighborhood (Transect 4.2)	Residential/Commercial	T-4.2
Downtown Traditional Center (Transect 5.1)	Residential/Commercial	T-5.1
Downtown City Center (Transect 5.2)	Residential/Commercial	T-5.2
Great Falls Metropolitan (Transect 6)	Residential/Commercial	T-6
Industrial	Industrial	ID
Floodplain Overlay District	Environmental	FPO
Taylor Pond Overlay District	Environmental	TPO
Lake Auburn Watershed Overlay District	Environmental	LAO
Shoreland Overlay District	Environmental	SLO
Manufacturing Housing Overlay District	Residential	MHO

(Ord. of 9-21-2009, § 1.2; Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 56, 3-15-2021)



# City Council Ordinance

## IN CITY COUNCIL

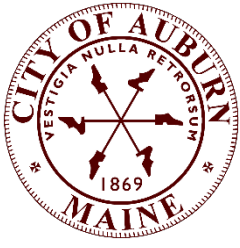
**Be it ordained**, that the Auburn City Council amend Sec. 60-548B- 1.) Intent and Purpose, 2.) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout, 3.) Sec. 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. 4.) amend the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B, adding \* Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area for Traditional Downtown Neighborhood T-4.2B and to add the zoning district Traditional Neighborhood (Transect T-4.2B) to Sec. 60-4-. zoning districts as shown in the attached draft ordinance language.

---

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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 5, 2023

**Ordinance:** 13-09052023

**Author:** Office of Planning and Permitting

**Subject:** Public Hearing on Map Amendment to apply Form Based Code T-4.2B to "Area A1".

---

**Information:**

On August 8, 2023, Auburn Planning board held a public hearing on amending the zoning map for Area A1, generally located in the New Auburn area near South Main and Broad Streets and Vickery Road, from the Urban Residence, Multifamily Suburban, Neighborhood Business, Low Density Rural Residence (Rural Residential), and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B and Conservation/Open Space zoning districts. Area A1 is part of Area A, which was presented to the Planning Board on July 11, 2023. Area A was divided into Area A1 and Area A2 for the August 8 Planning Board meeting so Planning Board and City Council could consider how the proposed zone, T-4.2B, would apply to different parts of this land area, and consider the zone change incrementally.

After conducting a public hearing, Planning Board is recommending that City Council vote to amend area A1 as described, in the attached motion and staff report, and shown on the attached map.

**City Budgetary Impacts:** None

---

**Staff Recommended Action:**

Review the Planning Board's findings, discuss, hold a public hearing on Area A1 as presented and vote to approve the map amendment.

---

**Previous Meetings and History:**

Summer 2022: City Council and Planning Board held workshops and public hearings on Area A, B, C, and D. No action was taken.

July 11, 2023: Planning Board holds a public hearing on rezoning Areas A, B, C, and D, and voted to table each area to integrate feedback into a new map.

August 8, 2023: Planning Board holds a public hearing on rezoning Areas A1, A2, B1 & B2, C, and D. They made a recommendation on all areas except for Area B, which they tabled.

September 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the four areas.

---

**City Manager Comments:**



I concur with the recommendation. Signature:

---

**Attachments:**

Planning Board recommendation to City Council, 08/08/2023 staff report, proposed map amendment, T-4.2B ordinance text, Appendix A Transportation Document, Form Based Code FAQs, and Ordinance 13-09052023.



## City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on map amendment applying T-4.2B to Area A1.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

**Proposal:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road.

**MOTION:** Paul Jacques; **SECOND:** Darren Finnegan.

“I make a motion to recommends amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment has been and is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road as shown on the attached map (A1)” **VOTE:** 5-2-0 motion passes.



# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

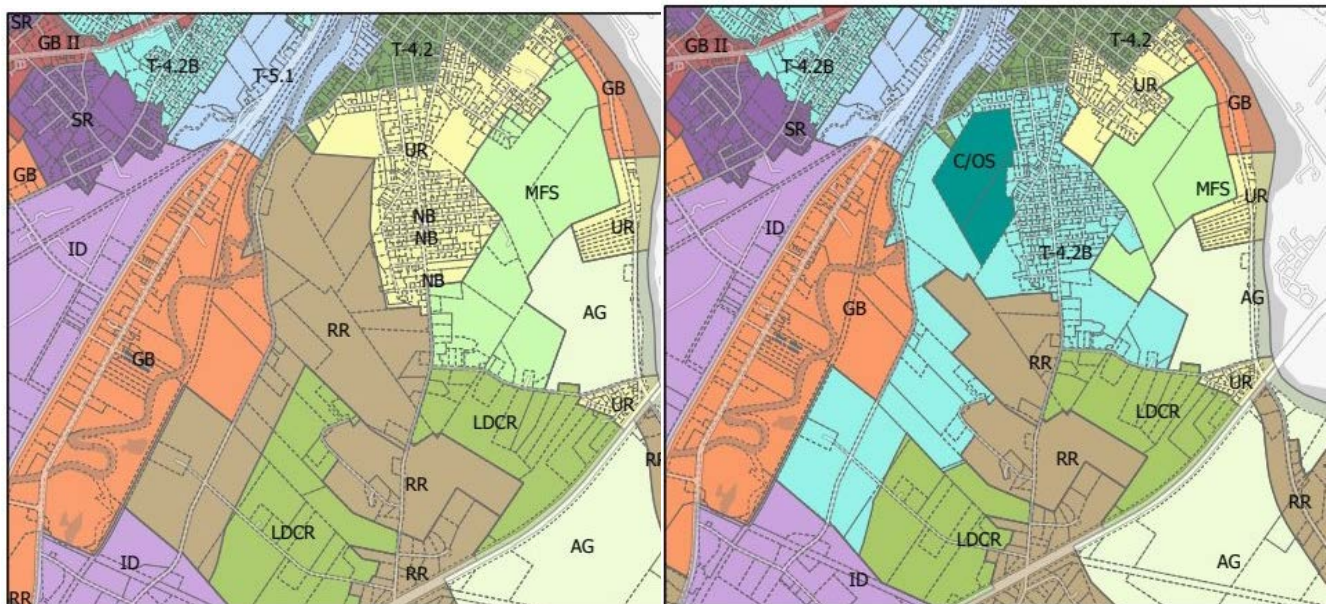
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area A1

Date: August 8, 2023

- I. Public Hearing/ Zoning Map Amendment/ T-4.2B Area A1:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road.



Current Zoning

Proposed Change

**II. Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four Areas, A-D, across the city.

The July 11, 2023 meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council. Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11<sup>th</sup> meeting:

1. “Area A” as presented on July 11 has been divided into ‘Area A1” and “Area A2”. Since portions of the area are more controversial than others, this makes it possible to decide on the two portions individually as shown on the proposed zoning maps.
2. The proposed map reflects the existing colors in Auburn’s official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
3. Two parcels, Sherwood Forest, and the adjacent parcel owned by Androscoggin Land Trust are proposed to be changed to a Conservation Open Space zone to reflect their public use and to make it clear that they are not available for T-4.2B development.

**III. Traditional Neighborhood Development District:** *Description-* The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

*Objective* – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

*Allowed Uses* – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

*Development Standards* – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the



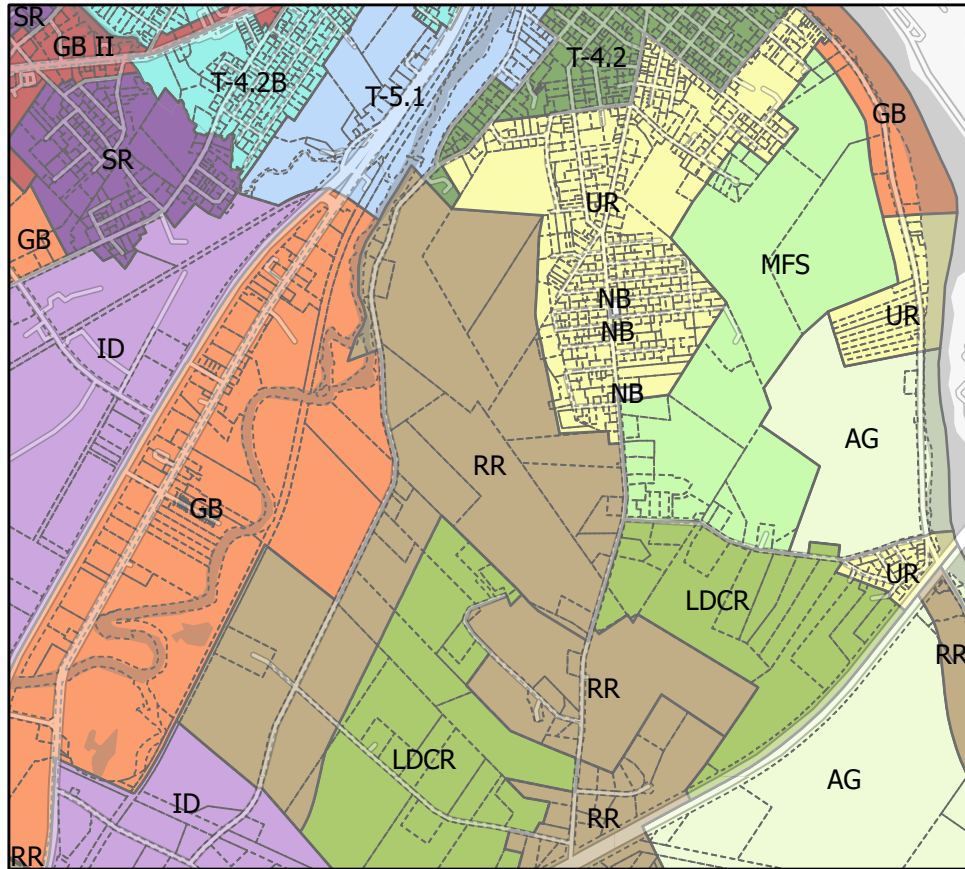
size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

**IV. Suggested Findings, Reasons and Staff Recommendation:** Forward a positive recommendation to City Council to rezone Area A1 to T-4.2B and Conservation Open Space as shown on the attached proposed zoning map (Area A1) with the following suggested findings:

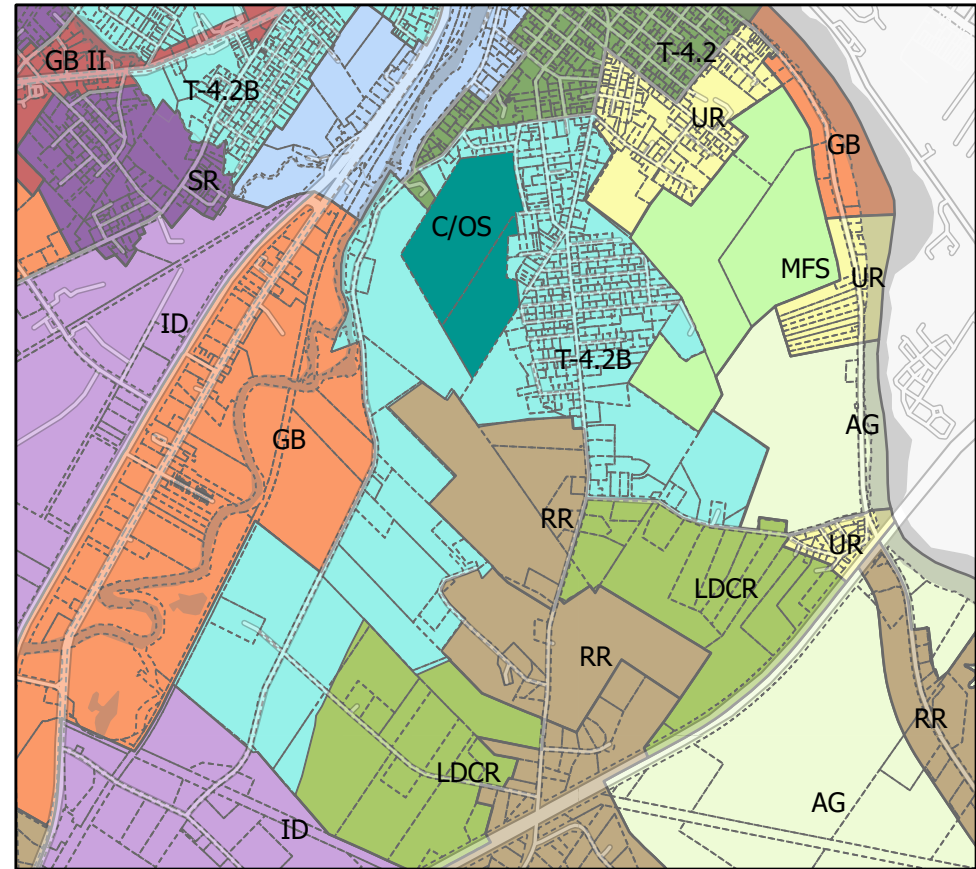
1. The 2021 Comprehensive Plan recommends expanding the Form Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals (see above item IV).
3. The city's transportation goals identified in the Comprehensive Plan will require infill between New Auburn and Broad Street. As the City is planning for a highway interchange, (Appendix A) creating higher density in this area will bring the City closer to this goal.
4. The Comprehensive Plan supports growth in the "city core" which includes Area A1. Developing within the city core means more efficient, cost-effective city services to support growth.
5. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
6. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
7. Limit the need for new city- maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
8. Form based code allows for five-foot front and side setbacks in contrast with the current twenty-five-foot setbacks from the front of the lot. Many existing homes in Area A1 are nonconforming because the traditional building pattern set homes close to the road, not in alignment with current zoning standards. The nonconforming buildings meeting this description can remain where they are if unchanged, but nonconformance drastically limits the improvements or repairs a homeowner can make. Reducing the setbacks as proposed alleviates this challenge.
9. The current zoning in Area A1 only allows single-family and two-family homes, limiting housing affordability, production and who can live in Auburn's neighborhoods. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many people. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
10. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.

- V. **Suggested Motion:** I make a motion to recommend amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment has been and is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road as shown on the attached map (A1).

# Area A1



Current Zoning



Proposed Change

## Zoning Districts

- |  |                             |  |   |  |                                     |                        |
|--|-----------------------------|--|---|--|-------------------------------------|------------------------|
| AG - Agriculture and Resource Protection | GB - General Business       | LDCR - Low Density Country Residential | SR - Suburban Residential                   | T-4.2 - Traditional Downtown Neighborhood              | T-5.1 - Downtown Traditional Center | UR - Urban Residential |
| C/OS - Conservation / Open Space         | GB II - General Business II | MFS - Multi-Family Suburban            | T-4.1 - Traditional Mainstreet Neighborhood | T-4.2B - Traditional Neighborhood Development District | T-5.2 - Downtown City Center        | Parcels                |
|  | ID - Industrial             | RR - Rural Residential                 |   |  | T-6 - Great Falls Metropolitan      |                        |

---

**Sec. 60-548B. Traditional Neighborhood T-4.2B.**

**Illustrative View of T-4.2B**



**Intent and Purpose:  
Traditional Neighborhood (T-4.2B)**

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



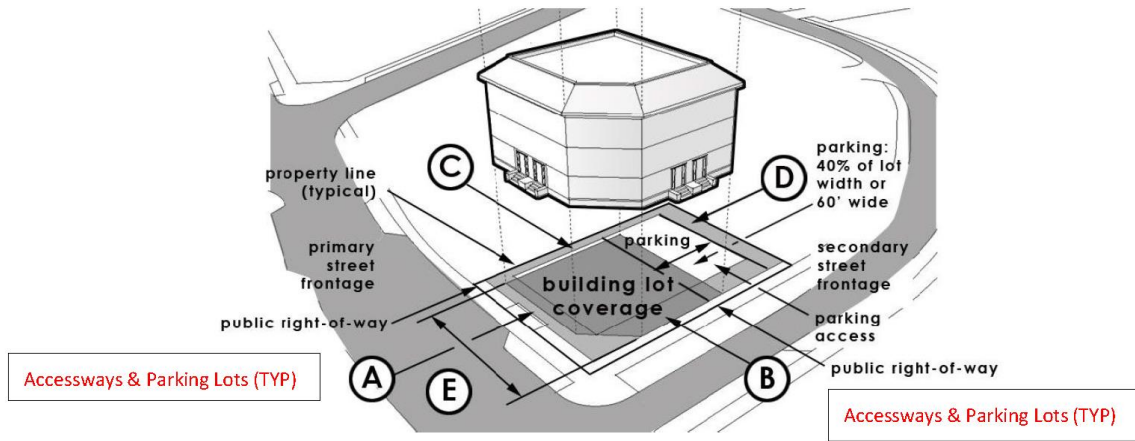


### Characteristic Features

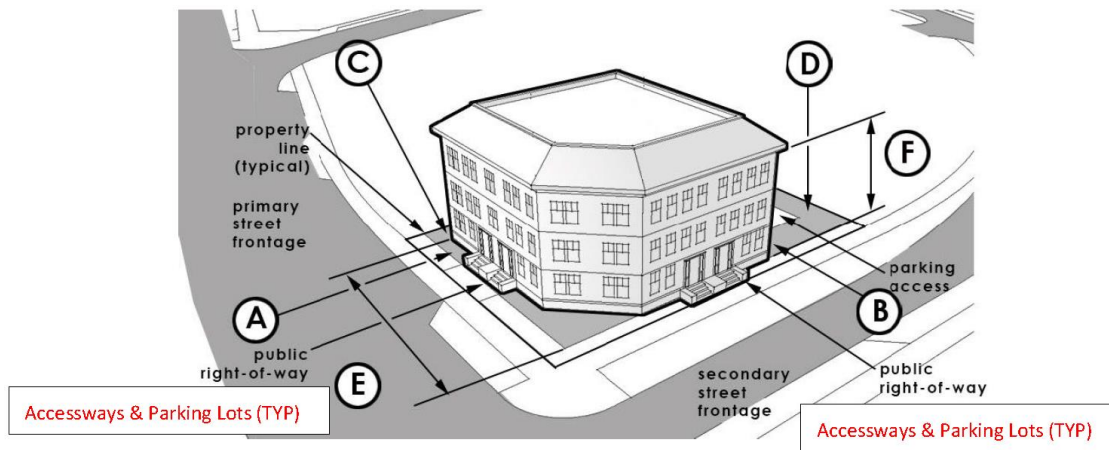
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 20-09062022, § 2, 9-19-2022)

**Sec. 60-548B.1. Building placement and configuration T-4.2B.**



**Elevated Building Placement**



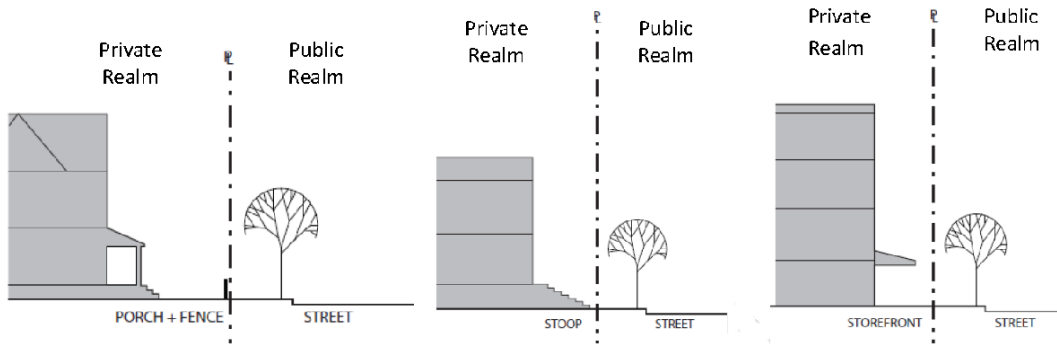
**Building Placement on Lot**

<b>PRINCIPAL BUILDING PLACEMENT:</b>		
Front setback, principal:	5 ft. min./25 ft. max.*	(A)
(Corner lot) front setback, secondary:	5 ft. min./15 ft. max.	(B)
Side setback:	5 ft. min.	(C)
Rear setback:	10 ft. min.	(D)
Building lot coverage:	70% Max.	
Useable open space:	10% Min.	
Frontage build-out:	60% min (along front setback, primary)	
Lot Width:	24 ft. min/120 ft. max.	
<b>PRINCIPAL BUILDING CONFIGURATION:</b>		
Building width:	14 ft. min./110 ft. max.	(E)
Building height minimum:	1 story min.	(F)
Building height maximum:	3 story max.	(F) (excluding attic story)

\* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation.

(Ord. No. 20-09062022, § 2, 9-19-2022)

**Sec. 60-548B.2. Building frontages T-4.2B.**



**Common or Porch Yard Stoop Yard Frontage Storefront Type**

<b>BUILDING FRONTAGE TYPES:</b>	Common yard; porch yard, stoop and storefront.
<b>BUILDING ENTRIES:</b>	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground story building frontage facade:	<u>Residential</u> - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. <u>Commercial</u> - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper story building frontage facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground story finished floor elevation:	<u>Residential</u> - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). <u>Commercial</u> - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage facade wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 20-09062022, § 2, 9-19-2022)

**Sec. 60-548B.3. External elements T-4.2B.**

Front yard fence:	<u>Residential</u> - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed .
Front yard fence/wall opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & stoop encroachments:	Porches & stoops may encroach upon the minimum front setback line by the following distances: Front setback, principal frontage 5 ft. maximum. Front setback, secondary frontage 5 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	<u>Residential</u> - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right-of-way or sidewalk. Street trees are encouraged.
Foundation planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 20-09062022, § 2, 9-19-2022)

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

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



USE(1)	T-4.1	T-4.2B(4)	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS(2)
<b>Residential Use Type</b>							
Single family	P	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	P	1 sp/DU
Multi-family	P	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & breakfast < 4 rooms	S	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & breakfast > 4 rooms	S	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/child care facility	S	S	S	S	S	P	½ sp/employee plus 1 sp/8 users
Home occupation	P	P	P	P	P	P	Based on use type (ch. 60, art. IX)
Community based residential facilities	P	S	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding house/ lodginghouse	P	S	P	P	S	X	1 sp/guestroom plus 1 sp/employee
<b>Office/Service</b>							
Professional offices	S	S	S	P	P	P	None
Medical and dental clinics	S	S	S	P	P	P	None
Personal services	S	S		P	P	P	None
<b>Retail Type Use</b>							
General retail	S	S	S	P	P	P	None
Age restricted retail(3)	S	X	S	S	S	S	None
Specialty shops	S	P	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		X	S	S	P	P	None
Halls, private clubs, indoor amusement	S	S	S	S	P	P	None
Artist studios, performing art center	S	S	S	P	P	P	None

<b>Civic</b>							
Church or places of worship	S	S	S	P	P	P	None
Government offices	X	S	X	P	P	P	None
Art galleries	S	P	P	P	P	P	None
Transportation facilities	X	X	X	S	S	S	None
Adaptive reuse of structures of community significance	S	S	S	S	S	S	None
Public safety services(5)	S	S	S	S	S	S	None
Government service(5)	S	S	S	S	S	S	None
Municipal or public utilities and communication facilities(5)	S	S	S	S	S	S	None
Municipal services	P	P	P	P	P	P	None
Detention facility(5)	X	X	X	X	S	X	None

**Notes:**

- (1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.
- (2) \* Parking requirements in T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 500 feet of the principal building, subject to planning board approval.
- (3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.
- (4) Office, service and retail uses limited to 1,500 SF footprint and must include a residential unit; no drive through businesses allowed.
- (5) All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021; Ord. No. 20-09062022, § 3, 9-19-2022; Ord. No. 02-02132023, 2-17-2023)

**Appendix A: Transportation Goals:** This applies to Area A1, A2, Area B1 & B1. Future plan regarding Washington Street also connect to Area C.

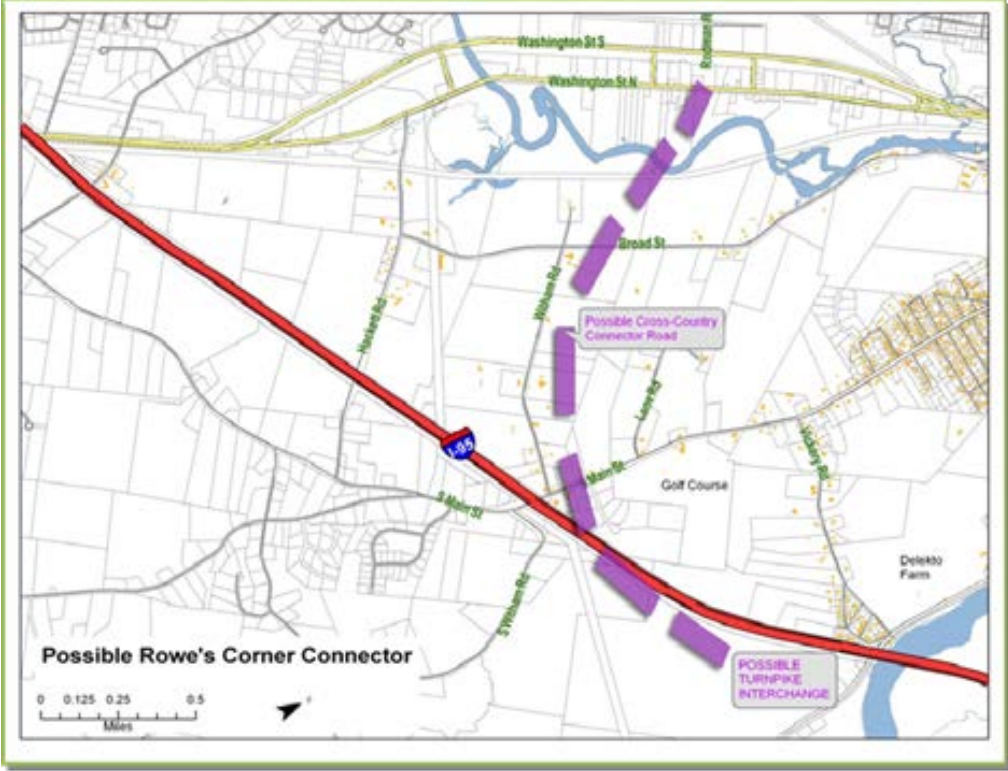
***“Goal G.1: Auburn supports real-estate growth patterns that fully utilize the utility of all road networks in the city, making necessary additional connections between road networks to advance this goal...”***

1. The full utility of the Maine Turnpike and Washington Street have not been integrated into residential growth patterns in Auburn. Previous efforts to integrate the Turnpike focused on industrial/commercial growth, which is no longer recommended in the Comprehensive Plan.
2. The New Auburn area is dominated by streets running north to south with limited east to west connections. The Little Androscoggin and Androscoggin Rivers have driven that development history and the Comprehensive Plan specifies recommendations to establish broader east-west connectivity. Developing a grid network as projects are proposed under site plan review will allow for priority streets to serve both local uses and regional mobility and keep through traffic out of neighborhoods.
3. Developing a connected grid of streets will need to be part of site plan review to avoid creating congestion and safety issues in key areas of New Auburn village and Danville.

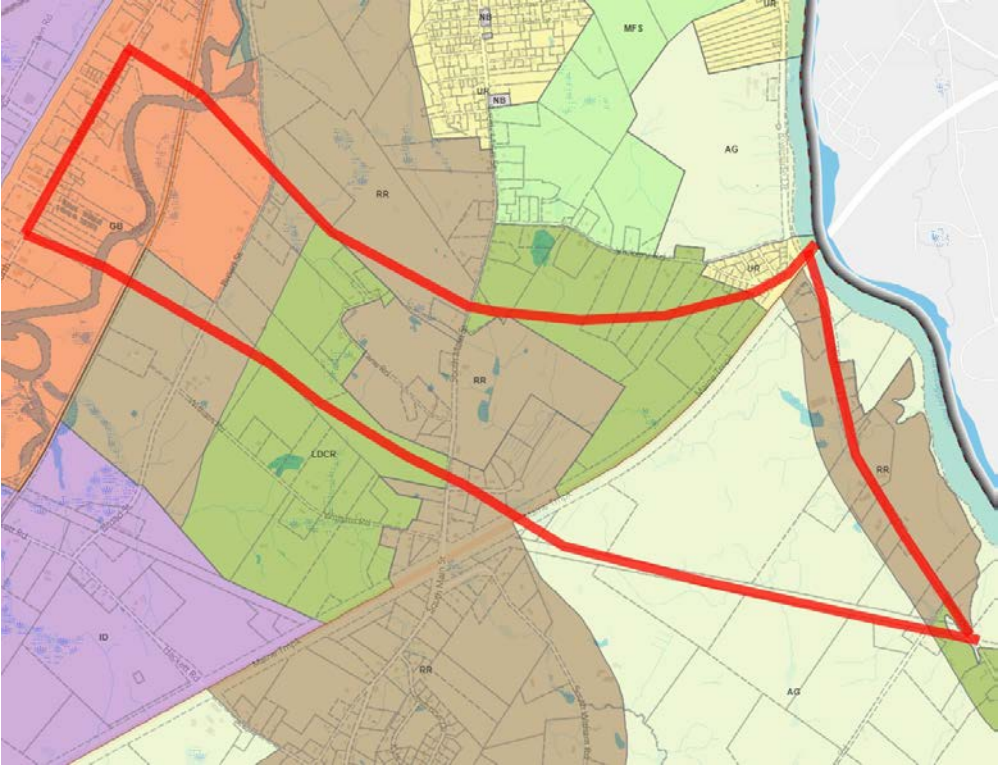
***“Goal G.2: Auburn has a well-designed–and functioning road network that safely and equitably moves all manner of users (cars, buses, bikes, and pedestrians) into and through the community while expanding traditional residential neighborhood growth patterns in Danville and New Auburn. Expansions in neighborhood growth are in keeping with traditional transportation network patterns, such as interconnected streets that provide multiple travel patterns, avoiding a rigid hierarchy of streets.”***

1. Additional residential growth at the densities already in place in the core neighborhood will have an impact on the existing road network in New Auburn. Implementing this comprehensive plan goal is done through increased density allowed in zoning and the establishment of an interconnected street grid, over time, resembling the existing built area.
2. Expansions in transportation capacity, such as connector roads or highway interchanges, are difficult to permit if the goal is “sprawl repair” due to haphazard road layout and inefficient use of land for community growth.
3. New capacity, linked to providing for regional mobility and a protection of neighborhood and village street grids, does provide a strong foundation for pursuing state/federal permitting.

Possible Connector- Comprehensive Plan page 51



Possible Connector Protection Corridor



## FREQUENTLY ASKED QUESTIONS



**FORM-BASED CODE** The Form Based Code Institute defines a form-based code as “a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation.”<sup>2</sup> The purpose of implementing form-based code is to provide equitable access to housing in walkable neighborhoods by allowing residential uses at a density driven by the form, lot size and configuration of the lot with less minimum road frontage required and shared driveways encouraged. Form-based code regulates the physical form of the built environment using transects, which are the standardized categories that describe the range or continuum of development types; from T-1 Natural Areas to T-6 Urban Core or City Center with an additional category designated for other uses. Form-based code offers an alternative to traditional zoning laws which separate where we live from where we work, learn, shop, play, and gather. By strictly regulating the setbacks and types of housing, units are built further apart resulting in greater reliance on roads. As an alternative, form-based code promotes walkability by reducing the separation between private and public realms of life. Auburn’s form-based code proposes six types of form-based code districts, T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6. These districts range from least urban to most urban. T-4.2B is characterized as the Traditional Neighborhood Development District or General Urban Zone.

### **How would T-4.2B affect my neighborhood?**

Building by form as regulated in T-4.2B will differ based on where you live and the existing neighborhood form. Most city lots are small and already built on, likely limiting additional development to infill housing

opportunities and freedom for property owners to add additional units or make improvements to existing homes. Each landowner can decide whether to make changes to their property based on the ordinances and the existing conditions. In general, this zoning opens opportunities for landowners to add value to their property.

**Would higher density in the city core make the traffic worse?** Adding more housing, though may add more vehicles to the road in the short term, will allow the city to fund projects to improve current road conditions, and invest in improving circulation patterns throughout the city. Increasing density will also make Auburn a more viable location to extend pedestrian and bicycle infrastructure, local public transit, and especially commuter transportation to and from nearby metro areas like Boston, Portland, and more.

Form based code encourages building closer to the street, creating the illusion of narrower roadways which are proven to slow down vehicles. This zoning encourages and supports safe pedestrian traffic, over time also decreasing reliance on vehicles.

### **More units will mean more kids who need education. Will T-4.2B make this worse for already strained educators?**

Applying form-based code could improve the state of Auburn's schools. Over the past several years, students enrolled in Auburn public schools have been stagnant and falling. Fairview can absorb another 100 students, Walton can absorb another 150, and East Auburn is close to capacity but could absorb about 20 more students. Altogether, the district could absorb up to 500-600 more students.

A reliable marker for determining enrollment trends in schools is the rate of preschool enrollment. Superintendent, Dr. Connie Brown, noted in 2022 that preschool enrollment has been decreasing over the past several years resulting in needing to close Walton Preschool and reducing the hours of East Auburn preschool. She noted that there are other schools that may need to close if they cannot increase enrollment.

The school district can, and in some cases will need to absorb more students, though it is also struggling with attracting and retaining teachers. The recommended monthly house payment is 28% of a person's income. The entry level pay for a teacher is \$42,000.00, a firefighter starting wage is \$45,000.00 plus average OT is \$10,000 for a total of \$55,000.00, and a police officer with OT is \$65,000.00. The average price of an existing, entry level home is \$267,500.00 and the average cost of a new entry level home is \$318,000. Based on the 28% recommendation, a person would need to make \$87,450.00/ year to afford an existing entry level home, and 104,6000.000/year to afford a new entry-level home. People working the above noted jobs, which are critical to some of the most important city services could not afford to build or purchase a home in the city that they work in. A teacher and fireperson living together still could not afford a single-family home in the city where they work. Dr. Brown stated that her number-one reason for teacher resignations is that they found another job closer to where they live. Housing options need to reflect different families and individuals' lifestyles and incomes.

### **How might new zoning affect the housing crisis?**

In his article, "3 Zoning changes that Make Residential Neighborhoods More Affordable", Founder and Director of the Urban Sustainability Accelerator and Institute for Sustainable Solutions at Portland State University, Robert Liberty, identified eliminating single-family-residential-only zoning as an important factor to make residential neighborhoods more affordable. Multifamily housing is outlawed in about 75% of the country which poses a significant barrier for low to middle income residents by reinforcing housing segregation and increasing reliance on cars.

### **Form-based code allows mixed uses and businesses among homes. What does this mean?**

#### **What can I expect?**

T-4.2B will allow uses other than single family including small businesses with a residential unit on the same parcel. Businesses shall not be over 1,500 square feet. Drive-through restaurants are not allowed in T-4.2B and cannabis shops are also prohibited. There are some businesses that

will be prohibited, and most will require Special Exception Approval from the Planning Board, with Public Notice and Hearing, depending on the size and type.

### **WHY CONSIDER APPLYING FORM BASED CODE TO THESE FIVE AREAS:**

1. The proposed zone change will **increase housing opportunity** for more people by lowering barriers to finding housing. Auburn's housing supply is limited and is not increasing fast enough to accommodate both current residents and those who want to call Auburn home. Housing scarcity drives up prices and increasing the supply of housing will lower the cost overtime.
2. The proposed zoning will **allow a wider variety of housing**. Offering choice in housing to residents will allow more residents the freedom to live as they want and not pay more than they can afford. Financial institutions recommend not spending more than 28% of household gross income on housing. Single family homes are outside of the price range and may not meet the lifestyle needs of many people, especially young adults, young families, empty nesters, older adults and many in between. The current zoning essentially renders housing that is not single-family or two-family illegal effectively barring those who cannot afford the high price of a single-family home to live with their neighbors. Allowing mixed use housing gives residents of all backgrounds and financial capacities options and promotes community by allowing neighbors to live close to and among each other.
3. Current traditional zoning laws tend to separate where we live from where we work, learn, and shop and force us to center roads over all other aspects of city design. These roads, as they are today, are dangerous to pedestrians and cyclists. We have an over-reliance on cars and Auburn's form-based code is meant to provide an alternative. T-4.2B **encourages walkability** by allowing uses that are not exclusively residential in moderately dense urban environments. There will not be walkability if there is nowhere to walk to. Encouraging infill and small business growth encourages walkability by giving folks spaces to walk to. Suburban sprawl as it exists limits transportation to folks who have a car and assumes that there will be little to no walking. It champions cars and roads over people and centralized communities.

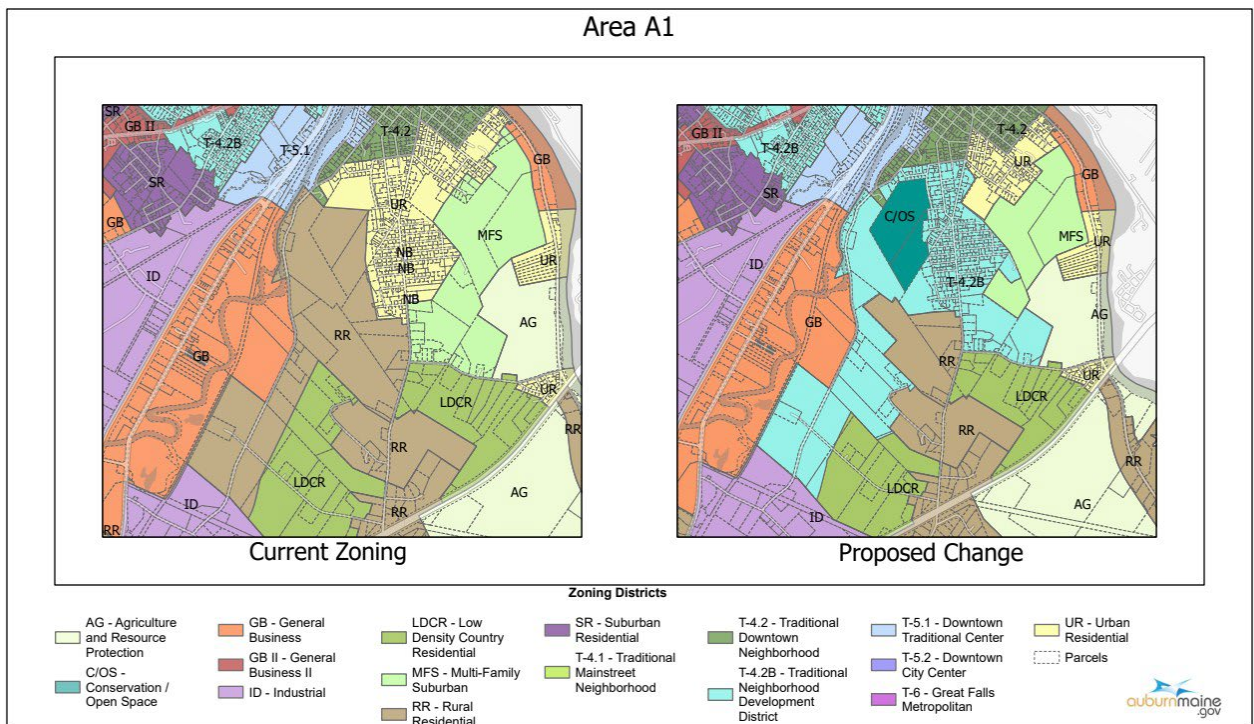


# City Council Ordinance

## IN CITY COUNCIL

**TITLE:** Zoning Map Amendment changing UR, MFS, NB, RR, and LDCR zoning to T-4.2B in Area A1

**Be it ordained,** That the Auburn City Council amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district as shown on the attached map.

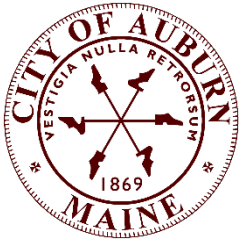


**Richard Whiting**, Ward One  
**Joseph Morin**, Ward Four  
**Belinda A. Gerry**, At Large

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

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





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 5, 2023

**Ordinance:** 14-09052023

**Author:** Office of Planning and Permitting

**Subject:** Public Hearing on Map Amendment to apply Form Based Code T-4.2B to "Area A2".

---

**Information:**

On August 8, 2023, Auburn Planning board held a public hearing on amending the zoning map for Area A2, generally located near South Main, Loring, Mary Carroll and Seventh Street, from the Urban Residence and Multifamily Suburban zoning districts to the Traditional Neighborhood Form Based Code T-4.2B and Conservation/Open Space zoning districts. Area A2 is part of Area A, which was presented to the Planning Board on July 11, 2023. Area A was divided into Area A1 and Area A2 for the August 8 Planning Board meeting so Planning Board and City Council could consider how the proposed zone, T-4.2B, would apply to different parts of this land area, and consider the zone change incrementally. A1 and A2 meet near Loring Ave and South Main St.

After conducting a public hearing, Planning Board is recommending that City Council vote to amend area A2 as described, in the attached motion and staff report, and shown on the attached map and the vote failed 3/4. The Board followed up with a motion to not recommend approval and the motion passed 4/3.

**City Budgetary Impacts:** None

---

**Staff Recommended Action:**

Review the Planning Board's findings, discuss, hold a public hearing on Area A2 as presented and vote to approve first reading.

---

**Previous Meetings and History:**

Summer 2022: City Council and Planning Board held workshops and public hearings on Area A, B, C, and D. No action was taken.

July 11, 2023: Planning Board holds a public hearing on rezoning Areas A, B, C, and D, and voted to table each area to integrate feedback into a new map.

August 8, 2023: Planning Board holds a public hearing on rezoning Areas A1, A2, B1 & B2, C, and D. They made a recommendation on all areas except for Area B, which they tabled.

September 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the four areas.

---

**City Manager Comments:**



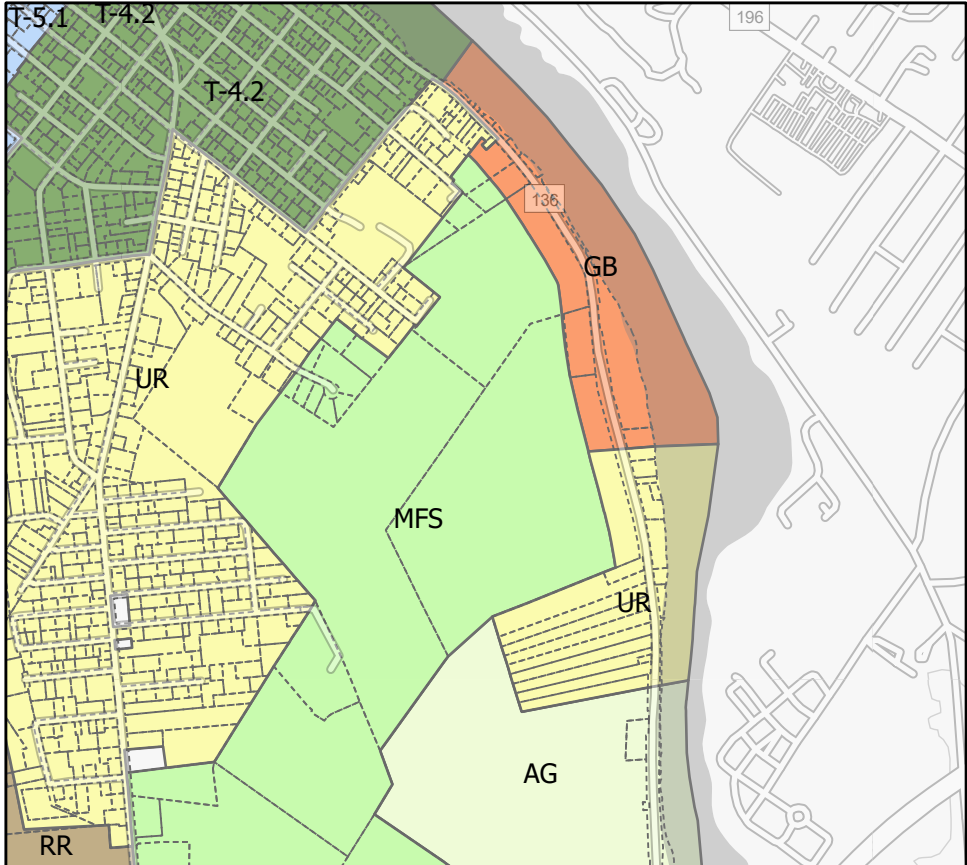
I concur with the recommendation. Signature:

---

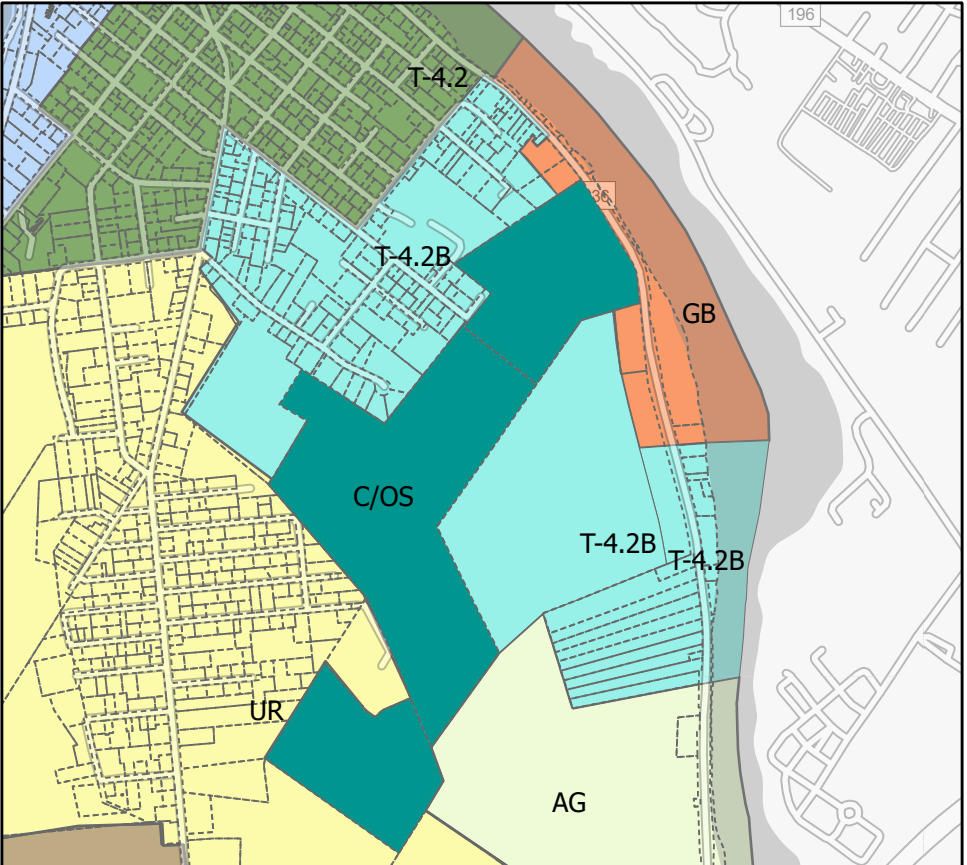
**Attachments:**

Planning Board recommendation to City Council, 08/08/2023 staff report, proposed map amendment, Ordinance 14-09052023.

# Area A2



**Current Zoning**



**Proposed Change**

**Zoning Districts**

- |  |  |  |  |   |  |   |
|--|--|--|--|---|--|---|
| <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #d9ead3; border: 1px solid black; margin-right: 5px;"></span> AG - Agriculture and Resource Protection</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #cfe2f3; border: 1px solid black; margin-right: 5px;"></span> C/OS - Conservation / Open Space</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #f4cccc; border: 1px solid black; margin-right: 5px;"></span> GB - General Business</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e06666; border: 1px solid black; margin-right: 5px;"></span> GB II - General Business II</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #cfcfcf; border: 1px solid black; margin-right: 5px;"></span> ID - Industrial</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #d9ead3; border: 1px solid black; margin-right: 5px;"></span> LDCR - Low Density Country Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #cfe2f3; border: 1px solid black; margin-right: 5px;"></span> MFS - Multi-Family Suburban</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #f4cccc; border: 1px solid black; margin-right: 5px;"></span> RR - Rural Residential</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #9933cc; border: 1px solid black; margin-right: 5px;"></span> SR - Suburban Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #92d050; border: 1px solid black; margin-right: 5px;"></span> T-4.1 - Traditional Mainstreet Neighborhood</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #6aa84f; border: 1px solid black; margin-right: 5px;"></span> T-4.2 - Traditional Downtown Neighborhood</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #4db6ac; border: 1px solid black; margin-right: 5px;"></span> T-4.2B - Traditional Neighborhood Development District</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #a6c9ec; border: 1px solid black; margin-right: 5px;"></span> T-5.1 - Downtown Traditional Center</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #8e7cc3; border: 1px solid black; margin-right: 5px;"></span> T-5.2 - Downtown City Center</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #e91e63; border: 1px solid black; margin-right: 5px;"></span> T-6 - Great Falls Metropolitan</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #fff2cc; border: 1px solid black; margin-right: 5px;"></span> UR - Urban Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px dashed black; margin-right: 5px;"></span> Parcels</li> </ul> |
|--|--|--|--|---|--|---|



# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

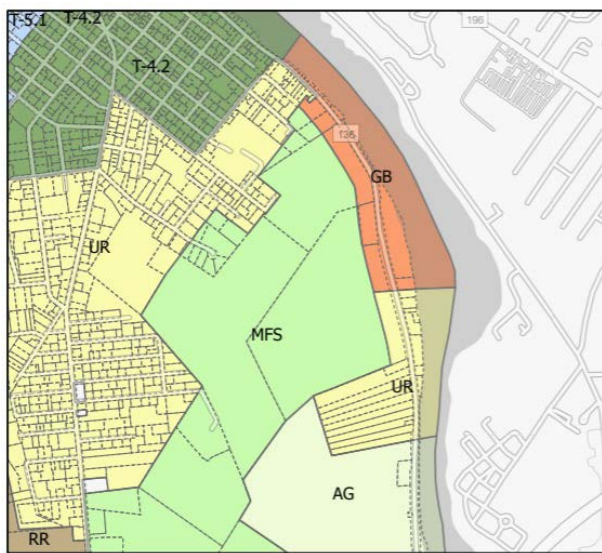
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

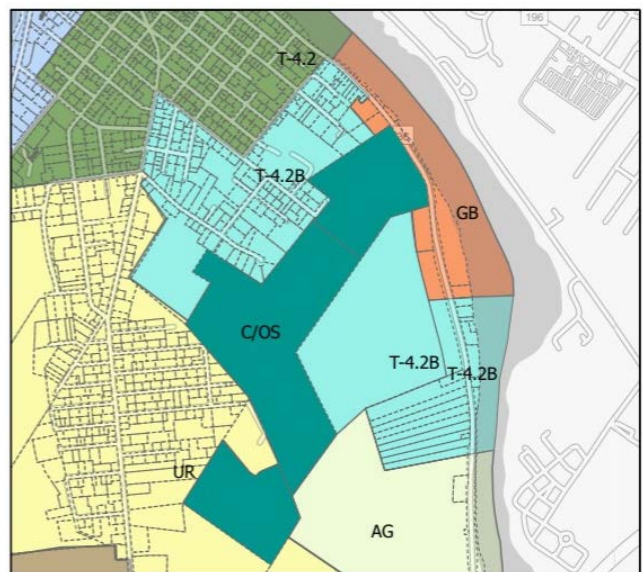
Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area A2

Date: August 8, 2023

- I. Public Hearing/ Zoning Map Amendment/ T-4.2B Area A2:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets.



Current Zoning



Proposed Change

- II. Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four areas, A-D, across the city. The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council. Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of

the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11<sup>th</sup> meeting:

1. “Area A” as presented on July 11 has been divided into ‘Area A1” and “Area A2”.
2. Area A2 is located near Mary Carroll St., Seventh St., to South Main St., and Loring Ave., where area A2 and A1 meet.
3. The proposed map reflects the existing colors in Auburn’s official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
4. Three parcels, Huston Field, and the adjacent parcel owned by Androscoggin Land Trust, and Oak Hill Cemetery are proposed to be rezoned to Conservation Open Space to reflect their public/neighborhood use.

**III. Traditional Neighborhood Development District:** *Description-* The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

*Objective* – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

*Allowed Uses* – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

*Development Standards* – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

**IV. Transportation Goals:** *See Appendix A.*

V. **Suggested Reasons, Findings and Staff Recommendation:** Forward a positive recommendation to City Council to rezone Area A1 to T-4.2B with the following suggested findings:

1. The 2021 Comprehensive Plan recommends expanding the Form Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals (see above item IV).
3. The city's transportation goals identified in the Comprehensive Plan will require infill between New Auburn and Broad Street. As the City is planning for a highway interchange, (Appendix A) creating higher density in this area will bring the City closer to this goal.
4. The Comprehensive Plan supports growth in the "city core" which includes Area A2. Developing within the city core means more efficient, cost-effective city services to support growth.
5. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
6. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
7. Limit the need for new city-maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
8. Form based code allows for five-foot front and side setbacks in contrast with the current twenty-five-foot setbacks from the front of the lot. Many existing homes in Area A2 are nonconforming because the traditional building pattern set homes close to the road, not in alignment with current zoning standards. The nonconforming buildings meeting this description can remain where they are if unchanged, but nonconformance drastically limits the improvements or repairs a homeowner can make. Reducing the setbacks alleviates this challenge.
9. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
10. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003, and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.

VI. **Suggested Motion:** I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning

district, and the Conservation/Open Space zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets as shown on the attached map.



## City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on map amendment applying T-4.2B to Area A2.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

**Proposal:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets.

**MOTION:** Evan Cyr; **SECOND:** Darren Paul Jacques.

“I make a to recommend amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets as shown on the attached map.” **VOTE:** 3-4-0 motion fails.

---

**MOTION** David Trask; **SECOND:** Toni Ferraro.

“I make a motion to not recommend amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district as shown on



the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets as shown on the attached map." **VOTE:** 4-3-0 motion passes.

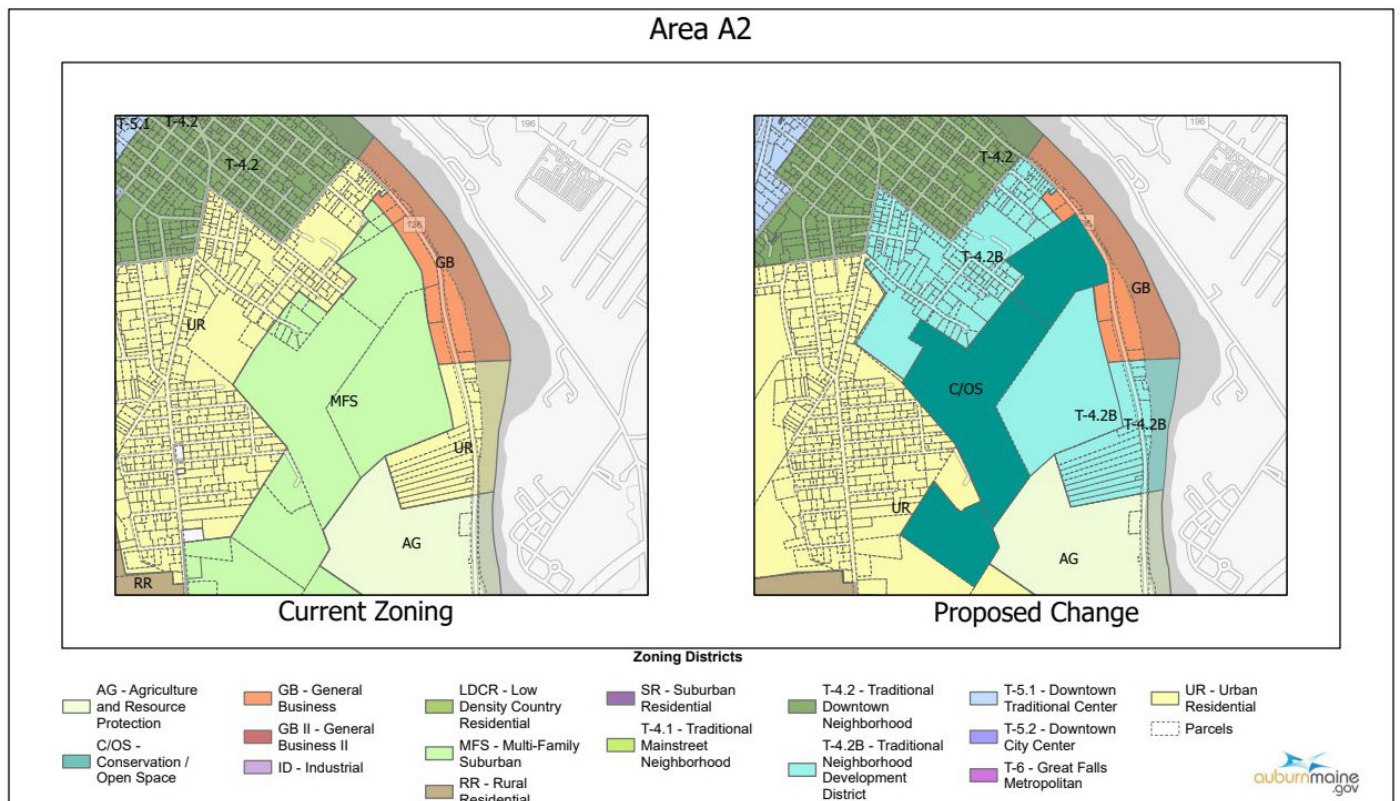


# City Council Ordinance

## IN CITY COUNCIL

**TITLE:** Zoning Map Amendment changing UR and MFS zoning to T-4.2B in Area A2

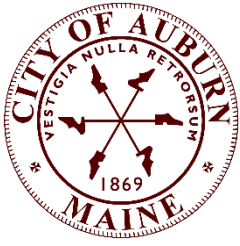
**Be it ordained,** That the Auburn City Council amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district. as shown on the attached map.



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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 5, 2023

**Ordinance:** 15-09052023

**Author:** Office of Planning and Permitting

**Subject:** Public Hearing on Map Amendment to apply Form Based Code T-4.2B to "Area C".

---

**Information:**

On August 8, 2023, Auburn Planning board held a public hearing on amending the zoning map for Area C, generally located near Poland, Rodman, Manley and Hotel Roads, from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. After conducting a public hearing, Planning Board is recommending that City Council vote to amend area C as described, in the attached motion and staff report, and shown on the attached map.

**City Budgetary Impacts:** None

---

**Staff Recommended Action:**

Review the Planning Board's findings, discuss, hold a public hearing on Area C as presented and vote on first reading.

---

**Previous Meetings and History:**

Summer 2022: City Council and Planning Board held workshops and public hearings on Area A, B, C, and D. No action was taken.

July 11, 2023: Planning Board holds a public hearing on rezoning Areas A, B, C, and D, and voted to table each area to integrate feedback into a new map.

August 8, 2023: Planning Board holds a public hearing on rezoning Areas A1, A2, B1 & B2, C, and D. They made a recommendation on all areas except for Area B, which they tabled.

September 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the four areas.

---

**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

---

**Attachments:**

Planning Board recommendation to City Council, proposed map amendment, 08/08/2023 staff report, Ordinance 15-09052023.



# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on map amendment applying T-4.2B to Area C.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

**Proposal:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. This area is generally located near Poland, Rodman, Manley and Hotel Roads.

**MOTION:** Evan Cyr; **SECOND:** Riley Bergeron.

“I make a to recommend amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Poland, Rodman, Manley and Hotel Roads and is shown on attached map Area C.” **VOTE:** 7-0-0 motion passes.

---



# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

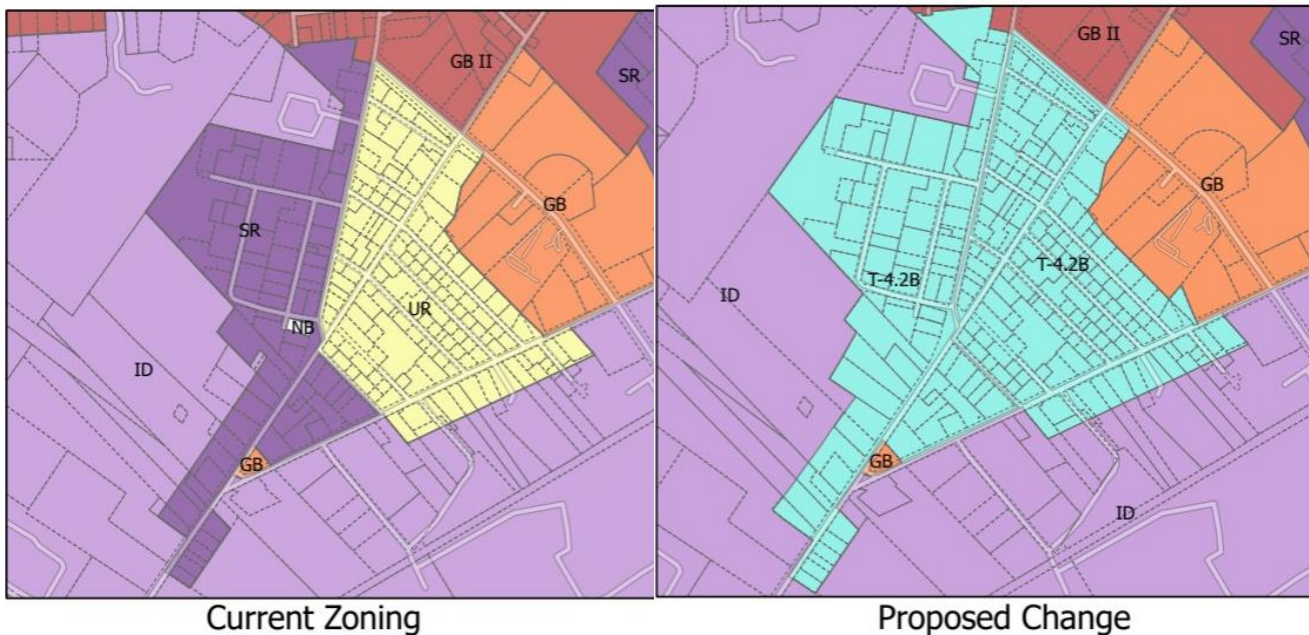
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area C

Date: August 8, 2023

- I. Public Hearing/ Zoning Map Amendments/ T-4.2B Area C:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. This area is generally located near Poland, Rodman, Manley and Hotel Roads as shown on the attached map.



- II. Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four areas, A-D, across the city.

The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council. Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11<sup>th</sup> meeting:

1. The proposed map reflects the existing colors in Auburn’s official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
2. The new zone boundaries were slightly cleaned up from last year’s map so that zoning boundaries more frequently follow parcel lines rather than splitting smaller parcels between zoning districts.

**III. Traditional Neighborhood Development District:** *Description-* The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

*Objective* – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

*Allowed Uses* – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

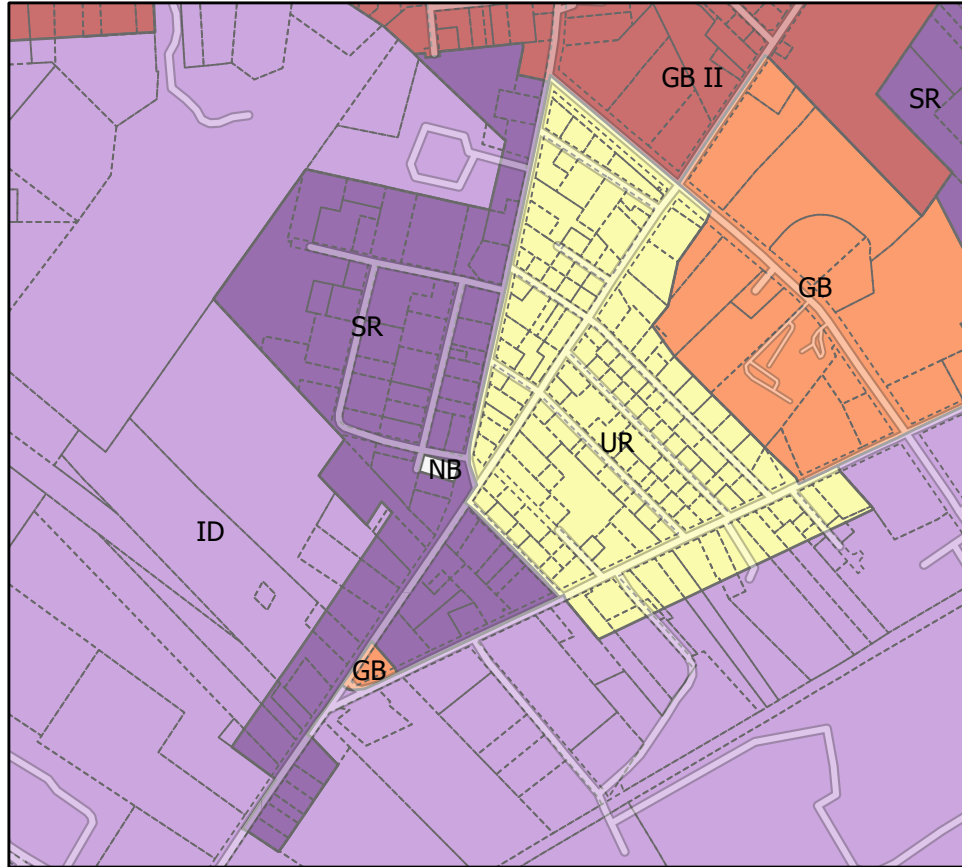
*Development Standards* – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

**IV. Suggested Findings and Staff Recommendation:** Forward a positive recommendation to City Council to rezone Area C to T-4.2B with the following suggested findings:

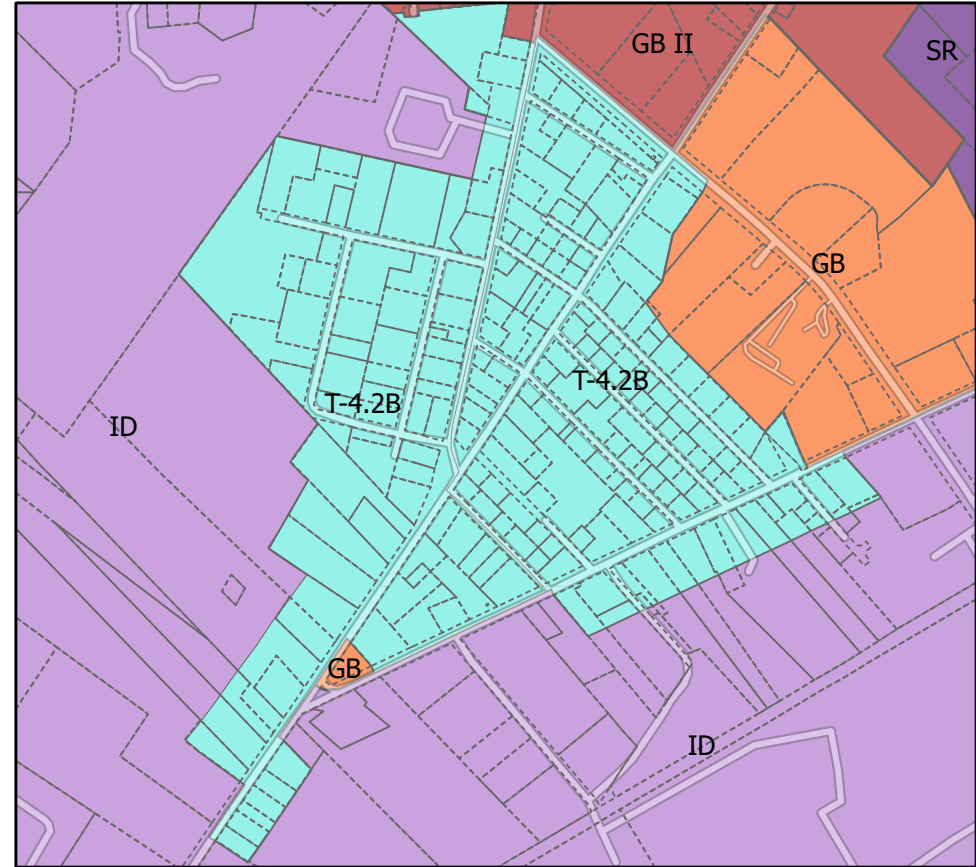
1. The 2021 Comprehensive Plan recommends expanding the Form Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
  2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals and will be integrated into the Washington Street Corridor roadway and pedestrian connectivity plans.
  3. The Comprehensive Plan supports growth in the "city core" which includes Area C. Developing within the city core means more efficient, cost-effective city services to support growth.
  4. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
  5. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
  6. Limit the need for new city-maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
  7. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
  8. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.
- I. **Suggested Motion:** I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Poland, Rodman, Manley and Hotel Roads and is shown on attached map Area C.



# Area C



Current Zoning



Proposed Change

## Zoning Districts

AG - Agriculture and Resource Protection  
C/OS - Conservation / Open Space

GB - General Business  
GB II - General Business II  
ID - Industrial

LDCR - Low Density Country Residential  
MFS - Multi-Family Suburban  
RR - Rural Residential

SR - Suburban Residential  
T-4.1 - Traditional Mainstreet Neighborhood

T-4.2 - Traditional Downtown Neighborhood  
T-4.2B - Traditional Neighborhood Development District

T-5.1 - Downtown Traditional Center  
T-5.2 - Downtown City Center  
T-6 - Great Falls Metropolitan

UR - Urban Residential  
Parcels

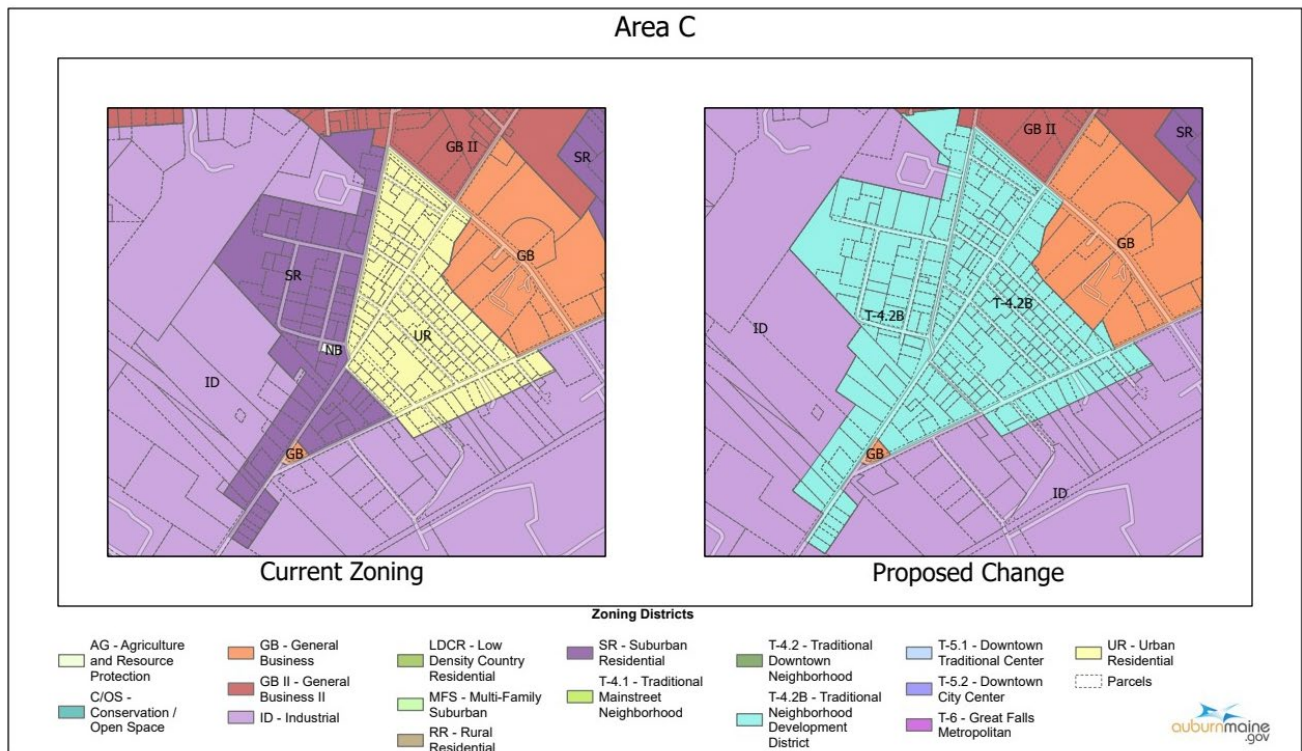


# City Council Ordinance

## IN CITY COUNCIL

**TITLE:** Zoning Map Amendment changing UR, SR, ID, GB, and NB zoning to T-4.2B in Area C

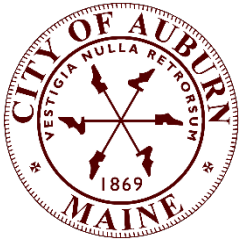
**Be it ordained,** That the Auburn City Council amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map.



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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 5, 2023

**Order:** 16-09052023

**Author:** Office of Planning and Permitting

**Subject:** Public Hearing on Map Amendment to apply Form Based Code T-4.2B to "Area D".

---

**Information:**

On August 8, 2023, Auburn Planning board held a public hearing on amending the zoning map for Area D, generally located near Northern Avenue, North River Road, and Bradman Streets, from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. After conducting a public hearing, Planning Board is recommending that City Council vote to amend area D as described, in the attached motion and staff report, and shown on the attached map.

**City Budgetary Impacts:** None

---

**Staff Recommended Action:**

Review the Planning Board's findings, discuss, hold a public hearing on Area D as presented and vote to approve first reading.

---

**Previous Meetings and History:**

Summer 2022: City Council and Planning Board held workshops and public hearings on Area A, B, C, and D. No action was taken.

July 11, 2023: Planning Board holds a public hearing on rezoning Areas A, B, C, and D, and voted to table each area to integrate feedback into a new map.

August 8, 2023: Planning Board holds a public hearing on rezoning Areas A1, A2, B1 & B2, C, and D. They made a recommendation on all areas except for Area B, which they tabled.

September 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the four areas.

---

**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

---

**Attachments:**

Planning Board recommendation to City Council, proposed map amendment, 08/08/2023 staff report, and Ordinance.



## City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on map amendment applying T-4.2B to Area D.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

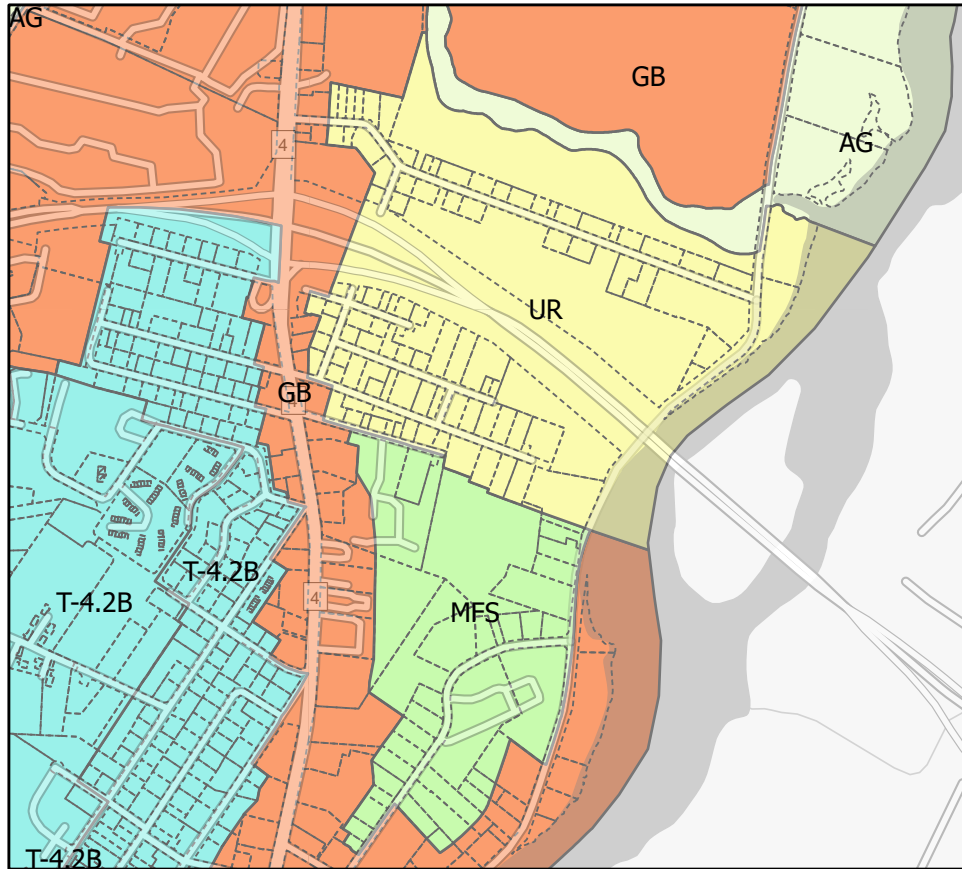
**Proposal:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. This area is generally located near Northern Avenue, North River Road, and Bradman Streets.

**MOTION:** Evan Cyr; **SECOND:** Paul Jacques.

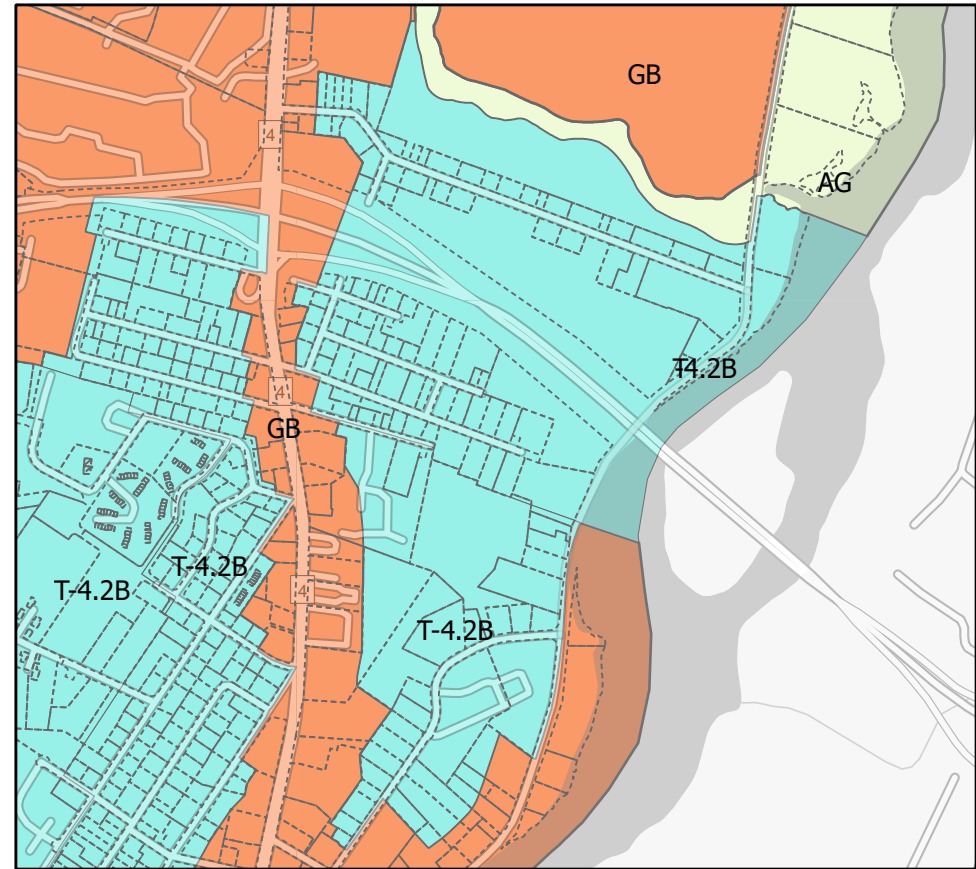
“I make a to recommend amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Northern Avenue, North River Road and Bradman Streets shown on attached map D.’ **VOTE:** 7-0-0.

---

# Area D



Current Zoning



Proposed Change

## Zoning Districts

- |  |                             |  |   |  |                                     |                        |
|--|-----------------------------|--|---|--|-------------------------------------|------------------------|
| AG - Agriculture and Resource Protection | GB - General Business       | LDCR - Low Density Country Residential | SR - Suburban Residential                   | T-4.2 - Traditional Downtown Neighborhood              | T-5.1 - Downtown Traditional Center | UR - Urban Residential |
| C/OS - Conservation / Open Space         | GB II - General Business II | MFS - Multi-Family Suburban            | T-4.1 - Traditional Mainstreet Neighborhood | T-4.2B - Traditional Neighborhood Development District | T-5.2 - Downtown City Center        | Parcels                |
|  | ID - Industrial             | RR - Rural Residential                 |   |  | T-6 - Great Falls Metropolitan      |                        |

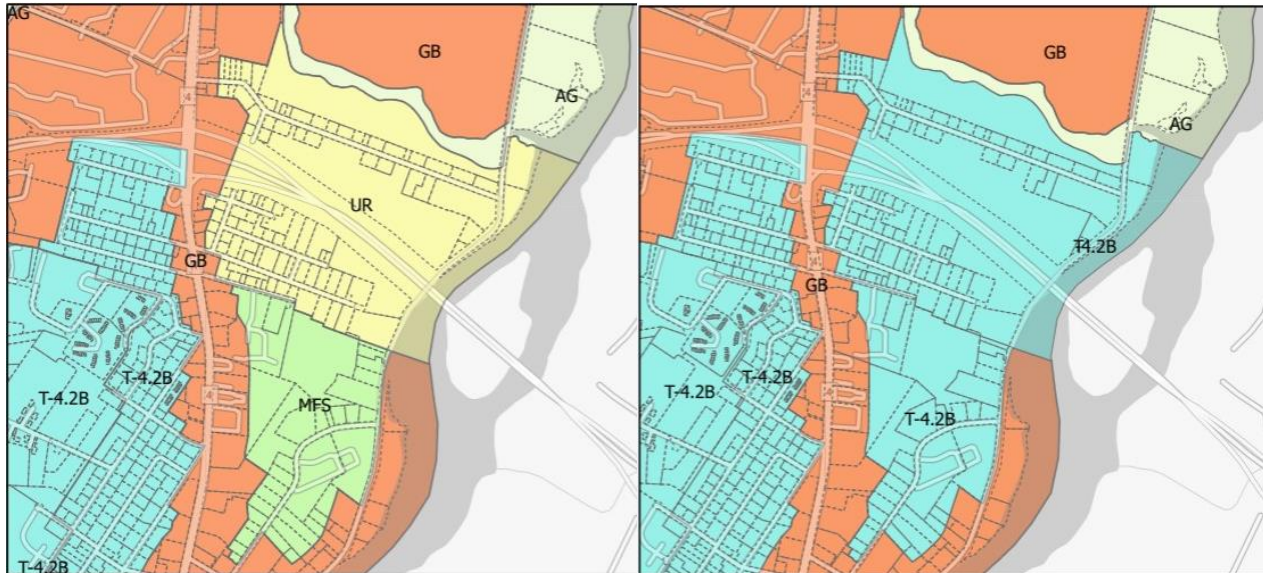
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area D

Date: August 8, 2023

- I. Public Hearing/ Zoning Map Amendment/ T-4.2B Area D:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. This area is generally located near Northern Avenue, North River Road and Bradman Streets.



- II. Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four areas, A-D, across the city.

The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council.

Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11<sup>th</sup> meeting:

1. The proposed map reflects the existing colors in Auburn’s official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
2. The previous map showed a 100 ft. strip along North River Road to be changed to T-4.2B. The Planning Board gave feedback that they were not comfortable with this strip, and asked instead to show the map without the area north of Bobbin Mill Brook, reducing the acreage considered for Area D.

III. **Traditional Neighborhood Development District T-4.2B:** *Description-* The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

*Objective* – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

*Allowed Uses* – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

*Development Standards* – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

IV. **Suggested Findings and Staff Recommendation:** Forward a positive recommendation to City Council to rezone Area D to T-4.2B with the following suggested findings:

1. The 2021 Comprehensive Plan recommends expanding the Form Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.



2. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
3. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
4. Limit the need for new city- maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
5. Form based code allows for five-foot front and side setbacks in contrast with the current twenty-five-foot setbacks from the front of the lot. It discards the obsolete zoning construct that requires more land than needed for supporting residences.
6. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for most. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
7. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.
8. Form based code is appropriate for this area considering the existing Urban Residential, Multifamily, and General Business zoning.

**V. Suggested Motion:** I make a motion to recommend amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Northern Avenue, North River Road and Bradman Streets shown on attached map D.

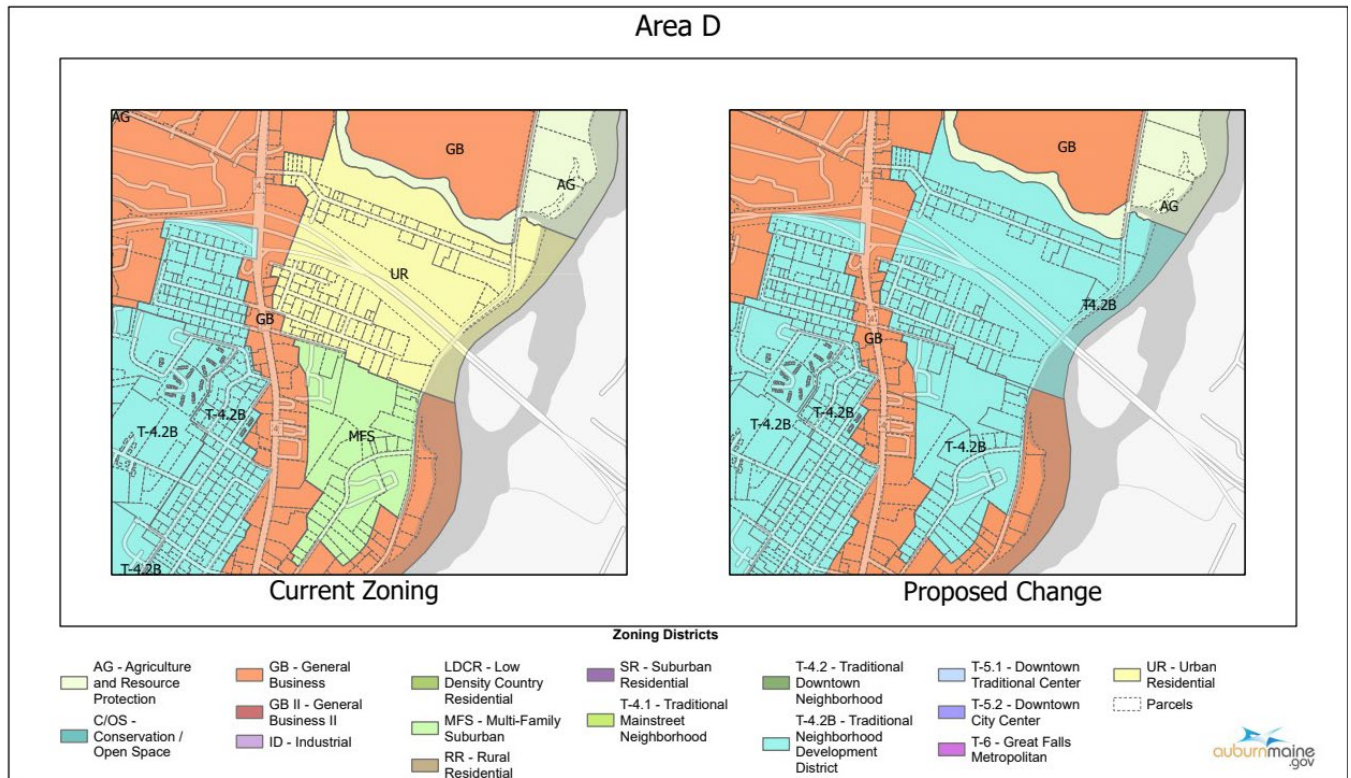


# City Council Ordinance

## IN CITY COUNCIL

**TITLE:** Zoning Map Amendment changing UR and MFS zoning to T-4.2B in Area D

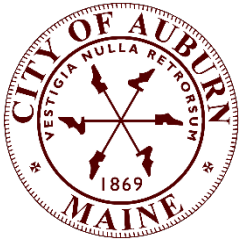
**Be it ordained,** That the Auburn City Council Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map.



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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 5, 2023

**Ordinance:** 17-09052023

**Author:** Office of Planning and Permitting

**Subject:** Public Hearing on Zoning Ordinance Text Amendment (B1)– Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT.

---

**Information:**

On August 8, 2023, Auburn Planning board held a public hearing on amending the Zoning Ordinance Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT.

After conducting a public hearing, Planning Board is recommending that City Council vote to amend the ordinance as follows:

“I make a to recommend approval of the text amendment #1-5 and 7-8 as numbered on the staff report to chapter 60 article 14 article 4 division 2 agriculture resource protection district the text amendments were proposed at the June 6, 2023, planning board meeting and follow the passage of ordinance number 10-0620203 on July 10th, 2023, the proposed text changes are attached.” VOTE: 7-0-0 motion passes

Amendment 6 that the Planning Board recommended excluding reads as follows: Front. There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30% of the average depth of the lot or 400 feet, whichever is less.

Amendment 8: No amendment needed. 10-acre conservation cemetery allowance was already adopted by Council and was corrected in the attached ordinance text as adopted.

**City Budgetary Impacts:** None

---

**Staff Recommended Action:**

Review the Planning Board’s recommendation, discuss, hold a public hearing on the text amendment as presented and vote to approve first reading with any exclusions that the Council determines are appropriate. The Changes are summarized and numbered in the Ordinance so they can re referenced as amendments if the Council chooses to approve some and exclude others.

---

**Previous Meetings and History:**

July 10, 2023: Referred BB recommended changes to PB for Public Hearing.

September 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the AGRP Text Amendments.

---

**City Manager Comments:**



I concur with the recommendation. Signature:

---

**Attachments:**

Planning Board recommendation to City Council, 08/08/2023 staff report, proposed text amendment and Ordinance 17-09052023.



# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B-1 with Planning Board Clarification Amendments #1-8

Date: August 8, 2023

**I. Proposal: Public Hearing/ AGRP Text Amendment (Proposal B1) Planning Board Proposed Changes Numbers One Through Eight:** Consider zoning text amendments one through eight to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.

**II. Background:** On June 6, 2023, the Planning Board voted to recommend approving “Proposal B” with amendments replacing the income standard. On July 10, City Council voted to approve proposal B without the amendments offered in the Planning Board recommendation to City Council on AGRP Zone Proposals A and B (included in this packet) and issued an Order that Planning Board hold a public hearing on the proposed amendments that they delivered as part of their recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes.

The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B-1 with Planning Board Clarification Amendments #1-8 are complimentary to the existing language and function of adopted Proposal B, and do not seem to impose significant change from the previously approved Proposal B. Proposal B-1 with Planning Board Clarification Amendments #1-8 is summarized below and references each motion from 6/6/2023 prompting the text change (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).

**III. Proposal B-1 with Planning Board Clarification Amendments #1-8**

1. Add “or two acres, whichever is less” after the word coverage in Sec. 60-145(a)(1)(a). (Motion 1)

*Amendment 1 is intended to concentrate the residential development to a smaller percent of each lot and avoid disrupting more land than is needed.*

2. Add “agriculture.” in Sec. 60-145(a)(1)(b)(ii) (a, b, and c), after the words, farm, farming, and farm. (Motion 2\*)

*Amendment 2 broadens the uses that would allow for a residential unit to include agriculture uses in addition to farming, natural resource, or recreation.*

3. Add “and Sec. 60-145(a)(1)(b)(ii)” in Sec. 60-145(a)(1)(c) after the reference to “Sec. 60-145(a)(1)(a)”. (Motion 4)  
*Amendment 3 adds the requirement that a bona fide farm plan be presented to staff who will determine whether the proposal meets the ordinance before a certificate of occupancy is granted for a dwelling. In addition to the criteria that residential structures are limited to a footprint of 20% of the lot area or 2 acres, whichever is less.*
4. Add “and Sec. 60-145(a)(1)(b)(ii)” in Sec. 60-145 (a)(1)(d) after the reference to “Sec. 60-145(a)(1)(a)”. (Motion 5\*)  
*Amendment 4 adds specification that in order for a dwelling to continue existing, it must continually meet the requirements of a bona fide farm, in addition to keeping the residential footprint to 20% of the lot area or 2 acres, whichever is less.*
5. Add “along a publicly accepted street” to 60-146(1) after the word “frontage” (Motion 6).  
*Amendment 5 specifies that private ways may not be used as road frontage. This is intended to reduce the possibility of creating new roads for the purposes of developing housing, and generally limits the area able to be developed in the AGRP zone.*
6. Add “or 400 feet, whichever is less” to Sec. 60-146(3)(c) after the word “lot”.  
*Amendment 6 limits the maximum development depth on particularly large lots, thereby reducing land fragmentation and disturbing less earth for the construction.*
7. Add “firewood processing, Christmas tree cultivation” to Sec. 145(a)(3) after the word “sugaring”.  
*Amendment 7 is meant to recognize other common natural resources and timber harvesting practices besides agriculture and forestry. It expands the uses for which a home can be accessory.*
8. The updated proposal draft includes Sec. 60-145(b)(8)(c), recognizing that 10 acres is the minimum size for conservation cemeteries. This was previously adopted by the council so it is not shown as a change in this proposed text amendment.  
*Number 8 recognizes that the motion was made to include 10-acre conservation cemeteries in the AGRP ordinance, by showing the adopted AGRP text that includes this as condition C.*

- IV. **Staff Recommendation:** Staff recommend the Planning Board recommend approval of all amendments in proposal B1, with the finding that they are in alignment with or strengthen the existing language and are true to the intent of the AGRP zone based on the Comprehensive Plan and existing Zoning.
- V. **Suggested Motion:** I make a motion to recommend approval of the text amendments one through eight to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the passage of Ordinance #10-062023 on July 10, 2023. The proposed text change is attached.

# Proposal B-1 with PI Bd Clarification Amendments #1-8

Prepared for August 8, 2023 Planning Board Meeting

Draft 7/20/2023

Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

## ARTICLE IV. - DISTRICT REGULATIONS

• • •

### *DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT*

#### **Sec. 60-144. Purpose.**

• • •

#### **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 Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:
    - a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage or two acres, whichever is less of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:
      - (i) Residential structures; and
      - (ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and
      - (iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and
      - (iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and
      - (v) Structures accessory to the residential use; and
      - (vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

- b. New one-family detached dwellings shall:
    - (i) Not be built within the Lake Auburn Watershed Overlay District; and
    - (ii) Provide a farm, agricultural, recreational or natural resource use business or land use plan that has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:
      - a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, agricultural, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.
      - b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, agricultural, recreational or natural resource use.
      - c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter; and
    - (iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
    - (iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
    - (v) Avoid being sited on wetlands; and
    - (vi) Avoid being sited on slopes greater than 25%; and
    - (vii) Not be sited on any portion of a parcel that is classified as being:
      - a. Currently enrolled in the State of Maine Farmland Tax Program; or
      - b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or
      - c. Currently enrolled in the State of Maine Open Space Tax Program.
  - c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) and Sec. 60-145(a)(1)(b)(ii) has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.
  - d. In no case shall any 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 lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a) and Sec. 60-145(a)(1)(b)(ii).
- (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, including, but not limited to, maple sugaring, firewood processing, Christmas tree cultivation, or mushroom cultivation.
  - (4) Field crop farms.
  - (5) Row crop farms.
  - (6) Orchard farms.
  - (7) Truck gardens.
  - (8) Plant and tree nurseries.



- (9) Greenhouses.
  - (10) Handling, storage or processing and sale of forestry products or agricultural products.
  - (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
  - (12) Wayside stands.
  - (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
  - (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
  - (15) Marijuana manufacturing accessory to a licensed cultivation site.
  - (16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in Sec. 60-1501.
  - (17) Natural resource uses.
  - (18) Small-scale recreational uses of land designed or intended for public use.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
    - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
    - a. 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.
    - b. 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) Non-small scale 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.
  - c. At least 10 acres if designated a conservation cemetery.
- (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 6:00 a.m. and 8:00 p.m.
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
  - a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
  - b. Provisions shall be made to avoid surface and groundwater pollution.
  - c. Provisions shall be made to counteract vermin, insects and odors.
  - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
  - e. Shall not be located within the Lake Auburn Watershed Overlay District.

- (16) Adaptive reuse of structures of community significance.
- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
  - a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
  - b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
  - c. The recreational or agricultural use is located on the parcel for which the special exception is
- (18) [RESERVED]
- (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in Sec. 60-1501, subject to the following conditions:
  - a. Must comply with the provisions of article XVIII under this chapter;
  - b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
    - 1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.
    - 2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.
    - 3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
  - c. Lot coverage shall not exceed 30 percent, as defined under Sec. 60-1506(a)(2).
  - d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on this subsection 60-145(b)(19)(d); by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.
  - e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.
  - f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:
    - 1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
    - 2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.
    - 3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state

department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.
- g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:
  1. Non-prime farmland is not reasonably available on the subject property.
- h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:
  1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;
  2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;
  3. To the extent possible, infrastructure shall not be located on steep slopes; and
  4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.
- i. All operations and maintenance plans shall also include:
  1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
  2. A plan that provides habitat for native plants and animals and native pollinators.

## **Sec. 60-146. Dimensional regulations.**

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

- (1) *Minimum lot area, width and depth.* No lot shall be created after October 1, 2017 containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage along a publicly accepted street, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.
  - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
  - b. On legally existing nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in Sec. 60-2.
  - c. A dwelling may be constructed on lots lawfully existing as of October 1, 2017 and containing less than ten acres, only if approved pursuant to Sec. 60-145(a)(1).
- (2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1)(c) above.
- (3) *Yard requirements.*
  - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.

- b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
  - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30% of the average depth of the lot or 400 feet, whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.



## City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on AGRP text Amendment (Proposal B1)  
Planning Board Proposed Changes #1-8.

Date: 09/05/2023

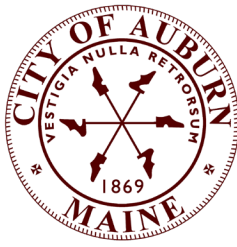
This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

**Proposal:** Consider zoning text amendments one through eight to Chapter 60, Article IV, Division 2- Agriculture and Resource Protection District. The text amendments were proposed at the June 6, 2023, Planning Board meeting and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.

**MOTION:** Evan Cyr; **SECOND** Riley Bergeron.

“I make a to recommend approval of the text amendment #1-5 and 7-8 as numbered on the staff report to chapter 60 article 14 article 4 division 2 agriculture resource protection district the text amendments were proposed at the June 6, 2023, planning board meeting and follow the passage of ordinance number 10-0620203 on July 10th, 2023, the proposed text changes are attached.” **VOTE:** 7-0-0 motion passes.

---

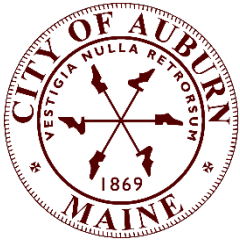


# City Council Ordinance

## IN CITY COUNCIL

**Be it ordained**, that the Auburn City Council amend certain sections of Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District as shown on the attached Ordinance, including:

1. Add “or two acres, whichever is less” after the word coverage in Sec. 60-145(a)(1)(a).
2. Add “agriculture,” in Sec. 60-145(a)(1)(b)(ii) (a, b, and c), after the words, farm, farming, and farm.
3. Add “and Sec. 60-145(a)(1)(b)(ii)” in Sec. 60-145(a)(1)(c) after the reference to “Sec. 60-145(a)(1)(a)”.
4. Add “and Sec. 60-145(a)(1)(b)(ii)” in Sec. 60-145 (a)(1)(d) after the reference to “Sec. 60-145(a)(1)(a)”.
5. Add “along a publicly accepted street” to 60-146(1) after the word “frontage”
6. Add “or 400 feet, whichever is less” to Sec. 60-146(3)(c) after the word “lot”. (Not Recommended by PB)
7. Add “firewood processing, Christmas tree cultivation” to Sec. 145(a)(3) after the word “sugaring”.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 5, 2023

**Ordinance:** 18-09052023

**Author:** Office of Planning and Permitting

**Subject:** Public Hearing on Zoning Ordinance Text Amendment (B3)– Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT. AGRP text Amendment (Proposal B3) Planning Board Proposed Change #10 concerning prohibiting housing in the AGRP zone in the Taylor Pond watershed.

---

**Information:**

On August 8, 2023, Auburn Planning board held a public hearing on amending the Zoning Ordinance Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT.

After conducting a public hearing, Planning Board is recommending that City Council vote to **not** amend the ordinance as follows:

“I make a motion to recommend that the City Council should not approve the amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing in the AGRP zone when also located in the Taylor Pond watershed. The text amendments were proposed at the June 6, 2023, Planning Board meeting, and follow the City Council’s passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached.” VOTE: 6-1-0 motion passes.

AMEND MOTION Evan Cyr; SECOND: Riley Bergeron. “I make a motion to include the discussion under number 4 staff recommendation on the staff report to constitute the findings in recommending now” VOTE: 6-1-0 motion passes.

**City Budgetary Impacts:** None

---

**Staff Recommended Action:**

Review the Planning Board’s recommendation, discuss, hold a public hearing on the text amendment as presented and vote **not in favor of** approval of first reading.

---

**Previous Meetings and History:**

July 10, 2023: Referred BB recommended changes to PB for Public Hearing.



September 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the AGRP Text Amendments.

---

**City Manager Comments:**



I concur with the recommendation. Signature:

---

**Attachments:**

Planning Board recommendation to City Council, 08/08/2023 staff report, proposed text amendment and Ordinance 18-09052023.

**Proposal B-3 with PI Bd Taylor Pond Watershed Amendment**

Prepared for August 8, 2023 Planning Board Meeting

**Draft 7/20/2023**

Amend Sec. 60-145 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

• • •

*DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION  
DISTRICT*

**Sec. 60-144. Purpose.**

• • •

**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 Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:
    - a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:
      - (i) Residential structures; and
      - (ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and
      - (iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and
      - (iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and
      - (v) Structures accessory to the residential use; and
      - (vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.
    - b. New one-family detached dwellings shall:

- (i) Not be built within the Lake Auburn Watershed Overlay District or the Taylor Pond [watershed as defined on the Taylor Pond Watershed Map](#); and
  - (ii) Provide a farm, recreational or natural resource use business or land use plan that has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:
    - a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.
    - b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, recreational or natural resource use.
    - c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter; and
  - (iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
  - (iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
  - (v) Avoid being sited on wetlands; and
  - (vi) Avoid being sited on slopes greater than 25%; and
  - (vii) Not be sited on any portion of a parcel that is classified as being:
    - a. Currently enrolled in the State of Maine Farmland Tax Program; or
    - b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or
    - c. Currently enrolled in the State of Maine Open Space Tax Program.
- c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.
- d. In no case shall any 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 lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).



# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B3 to the AGRP Zoning Use standards - Planning Board Recommended Amendment to prohibit residences in the AGRP portions of the Taylor Pond Watershed

Date: August 8, 2023

- I. Proposal: Public Hearing/ AGRP Text Amendment (Proposal B3) Planning Board Proposed Change Number Nine:** Consider a zoning text amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing and agriculture operations in the AGRP zone if they are also located in the Taylor Pond watershed. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and followed by the City Council passage of Ordinance #10-062023 on July 10, 2023. The proposed text has been and is available in the Planning & Permitting Department in City Hall.
  
- II. Background:** On June 6, 2023, the Planning Board voted to recommend approving “Proposal B” with amendments replacing the income standard. On July 10, City Council voted to approve Proposal B without the amendments offered in the Planning Board and issued an Order that Planning Board hold an additional public hearing on the proposed amendments that they delivered as part of their prior recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes.

The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B3 is the Planning Board recommended Taylor Pond Watershed Amendment and has been proposed as separate text and hearing from the others because it is a substantive amendment. The proposed amendment is summarized below (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).

- III. Proposal B3 with Planning Board Taylor Pond Watershed Amendment.**
  1. Add “or the Taylor Pond watershed as defined on the Taylor Pond Watershed Map:” in Sec.60-145)(b)(i) after the word “District”  
*This is referred to as proposed change number nine, because it was the 9<sup>th</sup> amendment recommended by the Planning Board on June 9, 2023.*
  
- IV. Staff Recommendation:** We do not recommend this amendment because it restricts a large land area that would have much less impact on the Pond than the existing small lot development around the Pond, the existing protections(Phosphorus Control) are adequate in the ordinance, and it could disadvantage existing farms, recreational or natural resource

based uses in the Taylor Pond Watershed. The amendment proposes prohibiting new homes in the Taylor Pond watershed which are also in the AGRP zone, which would include approximately 2,035 acres of land. Most existing structures in the Taylor Pond watershed are made up of small camps or homes that have historically caused land use issues and have threatened the health of the pond. Chapter 60, Article XII, Division 3- Taylor Pond Overlay district which extends 250 feet from the high-water mark of Taylor Pond was created to mitigate the impacts of this existing development over time. There are additional environmental protections that apply to the approximately 3,880 acres that make up the Taylor Pond Watershed. Specifically, Article XIII, Division 2- Phosphorous Control requires that any person proposing new construction over 200 square feet in size, tree cutting or earth moving over 10,000 square feet, or driveway or road construction affecting over 1,500 square feet of land needs to submit a phosphorous control plan for staff to review before any construction can begin. Erosion and Sedimentation control standards also prevent runoff from new development into Taylor Pond. Most land that is in the AGRP zone in the Taylor Pond Watershed is northwest of the lake, and at least 250ft. away from the high-water mark. There are existing farms operating in alignment with the standards of the AGRP zone in this area, and this amendment would prohibit building a home accessory to any farm, agricultural, natural resource, or recreational use. If this amendment does not pass, as we are recommending, any new home would still be required to meet all requirements of the AGRP zone and the Taylor Pond Watershed standards.

- V. **Suggested Motion:** I make a motion to recommend that the City Council should **not** approve the amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing in the AGRP zone when also located in the Taylor Pond watershed. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the City Council's passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached.



City of Auburn, Maine  
Planning & Permitting Department  
Eric Cousens, Director  
60 Court Street | Auburn, Maine 04210  
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on AGRP text Amendment (Proposal B3)  
Planning Board Proposed Change #10 concerning prohibiting housing in the AGRP zone in the Taylor Pond watershed.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

**Proposal:** Consider a zoning text amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing and agriculture operations in the AGRP zone and the Taylor Pond watershed. The text amendments were proposed at the June 6, 2023, Planning Board meeting and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.

**MOTION:** Riley Bergeron; **SECOND** Paul Jacques.

“I make a motion to recommend that the City Council should not approve the amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing in the AGRP zone when also located in the Taylor Pond watershed. The text amendments were proposed at the June 6, 2023, Planning Board meeting, and follow the City Council’s passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached.” **VOTE:** 6-1-0 motion passes.

---

**AMEND MOTION** Evan Cyr; **SECOND:** Riley Bergeron.

“I make a motion to include the discussion under number 4 staff recommendation on the staff report to constitute the findings in recommending now” **VOTE:** 6-1-0 motion passes.

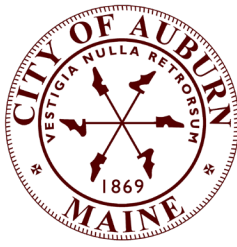
**Findings/ Reasons as listed in staff report refenced in the motion:**

Staff Recommendation: We do not recommend this amendment because it restricts a large land area that would have much less impact on the Pond than the existing small lot development around the Pond, the existing protections (Phosphorus Control) are adequate in

the ordinance, and it could disadvantage existing farms, recreational or natural resource-based uses in the Taylor Pond Watershed. The amendment proposes prohibiting new homes in the Taylor Pond watershed which are also in the AGRP zone, which would include approximately 2,035 acres of land. Most existing structures in the Taylor Pond watershed are made up of small camps or homes that have historically caused land use issues and have threatened the health of the pond. Chapter 60, Article XII, Division 3- Taylor Pond Overlay district which extends 250 feet from the high-water mark of Taylor Pond was created to mitigate the impacts of this existing development over time. There are additional environmental protections that apply to the approximately 3,880 acres that make up the Taylor Pond Watershed. Specifically, Article XIII, Division 2- Phosphorous Control requires that any person proposing new construction over 200 square feet in size, tree cutting or earth moving over 10,000 square feet, or driveway or road construction affecting over 1,500 square feet of land needs to submit a phosphorous control plan for staff to review before any construction can begin. Erosion and Sedimentation control standards also prevent runoff from new development into Taylor Pond. Most land that is in the AGRP zone in the Taylor Pond Watershed is northwest of the lake, and at least 250ft. away from the high-water mark. There are existing farms operating in alignment with the standards of the AGRP zone in this area, and this amendment would prohibit building a home accessory to any farm, agricultural, natural resource, or recreational use. If this amendment does not pass, as we are recommending, any new home would still be required to meet all requirements of the AGRP zone and the Taylor Pond Watershed standards.

---

**VOTE** on amended motion: 6-1-0 motion passes.



# City Council Ordinance

## IN CITY COUNCIL

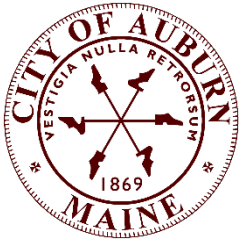
**Be it ordained**, that the Auburn City Council amend certain sections of Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District as shown on the attached Ordinance and below:

Sec. 60-145. Use regulations.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District or the Taylor Pond watershed as defined on the Taylor Pond Watershed Map; and





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date: September 5, 2023**

**Ordinance: 19-09052023**

**Author:** Office of Planning and Permitting

**Subject:** Public Hearing on AGRP Text Amendment (Proposal B2) Planning Board Proposed Change Number Ten zoning text amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use tax programs within the last five years.

---

**Information:**

On August 8, 2023, Auburn Planning board held a public hearing on amending the Zoning Ordinance Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT.

After conducting a public hearing, Planning Board is recommending that City Council vote to **not** amend the ordinance as follows:

"I make this motion based on the findings that the language in this motion disparately affects landowners and disadvantages landowners who are already choosing to use land in the way it was intended to be used in the zone: VOTE: 7-0-0 motion passes.

**City Budgetary Impacts:** None

---

**Staff Recommended Action:**

Review the Planning Board's recommendation, discuss, hold a public hearing on the text amendment as presented and vote **not in favor of** approval of first reading.

---

**Previous Meetings and History:**

July 10, 2023: Referred BB recommended changes to PB for Public Hearing.

September 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the AGRP Text Amendments.

---

**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

---

**Attachments:**

Planning Board recommendation to City Council, 08/08/2023 staff report, proposed text amendment and Ordinance 19-09052023.



## City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on AGRP text Amendment (Proposal B2)  
Planning Board Proposed Change #10 concerning tax incentive programs.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

**Proposal:** Consider zoning text amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. The text amendments were proposed at the June 6, 2023, Planning Board meeting and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.

**MOTION:** Evan Cyr; **SECOND:** Riley Bergeron.

“I make this motion based on the findings that the language in this motion disparately affects landowners and disadvantages landowners who are already choosing to use land in the way it was intended to be used in the zone: **VOTE:** 7-0-0 motion passes.



# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B2 with Planning Board Proposed Tax Program 5YR Amendment.

Date: August 8, 2023

- I. Proposal: Public Hearing/ AGRP Text Amendment (Proposal B2) Planning Board Proposed Change Number Ten:** Consider zoning text amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use tax programs within the last five years. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and were followed by City Council's passage of Ordinance #10-062023 on July 10, 2023. The proposed text is available in this packet.
- II. Background:** On June 6, 2023, the Planning Board voted to recommend approving "Proposal B" with amendments replacing the income standard. On July 10, City Council voted to approve Proposal B without the amendments offered in the Planning Board recommendation (included in this packet) and issued an Order that Planning Board hold an additional public hearing on the proposed amendments that they delivered as part of their recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes. The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B2 with the Planning Board recommended Tax Program 5YR Amendment has been proposed as separate text and hearing because it is a substantive amendment. The Amendment is summarized below and references the motion from the 6/6/2023 Planning Board Recommendation prompting the text change (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).
- III. Proposal B2 - Planning Board recommended Tax Program 5YR Amendment.**
  1. Remove "~~Currently~~" before "enrolled", capitalize the "E" in "enrolled" and add "within the last five years" after the word "Program" in Sec. 60-145(b)(vii)(a, b, c). *This is referred to as proposed change number 10, because it was the 10<sup>th</sup> amendment recommended by the Board in the 6/6/23 recommendations.*
- IV. Staff Recommendation:** This proposal was initiated to prevent Auburn landowners who have been utilizing the State of Maine Farmland Tax Program, the State of Maine Tree Growth Tax Program, and the State of Maine Open Space tax Program from removing land from this protection in order to build housing. We do not recommend this amendment because a result of this change may mean that someone who has been using the AGRP district as prescribed and intended could be penalized for deciding to build on this land. This

also has the potential to create a disadvantage to existing farmers and rural landowners who have used the land as the AGRP zone intended, in comparison to new landowners or those that have not used the land for agriculture, forestry or public recreation. Under this amendment, someone who has held land in any of the tax programs may not build on their land for five years, even if they meet the other requirements of the AGRP zoning district. In the absence of a five-year moratorium, landowners still need to provide a bona fide plan for farming, agricultural, recreational, or natural resource use before any residential development could occur.

- V. **Suggested Motion:** I make a motion to not recommend the amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. The text amendments were proposed at the June 9, 2023, Planning Board meeting, and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached.

**Proposal B-2 with PI Bd Tax Program 5 YR Amendment**

Prepared for August 8, 2023 Planning Board Meeting

**Draft 7/20/2023**

Amend Sec. 60-145 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

• • •

*DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION  
DISTRICT*

**Sec. 60-144. Purpose.**

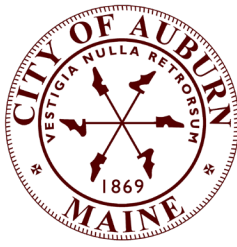
• • •

**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 Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:
    - a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:
      - (i) Residential structures; and
      - (ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and
      - (iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and
      - (iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and
      - (v) Structures accessory to the residential use; and
      - (vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.
    - b. New one-family detached dwellings shall:
      - (i) Not be built within the Lake Auburn Watershed Overlay District; and
      - (ii) Provide a farm, recreational or natural resource use business or land use plan that

has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:

- a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.
  - b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, recreational or natural resource use.
  - c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter; and
- (iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
  - (iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
  - (v) Avoid being sited on wetlands; and
  - (vi) Avoid being sited on slopes greater than 25%; and
  - (vii) Not be sited on any portion of a parcel that is classified as being:
    - a. ~~Currently e~~Enrolled in the State of Maine Farmland Tax Program [within the last five years](#); or
    - b. ~~Currently e~~Enrolled in the State of Maine Tree Growth Tax Law Program [within the last five years](#); or
    - c. ~~Currently e~~Enrolled in the State of Maine Open Space Tax Program [within the last five years](#).
- c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.
  - d. In no case shall any 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 lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).



# City Council Ordinance

## IN CITY COUNCIL

**Be it ordained,** that the Auburn City Council amend certain sections of Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District as shown on the attached Ordinance and below:

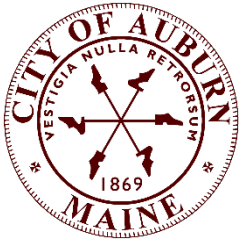
Sec. 60-145. Use regulations.

b. New one-family detached dwellings shall:

(vii) Not be sited on any portion of a parcel that is classified as being:

- a. ~~Currently e~~Enrolled in the State of Maine Farmland Tax Program within the last five years; or
- b. ~~Currently e~~Enrolled in the State of Maine Tree Growth Tax Law Program within the last five years; or
- c. ~~Currently e~~Enrolled in the State of Maine Open Space Tax Program within the last five years.





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date: September 5, 2023**

**ORDER 119-09052023**

**Author:** Brian Wood, Assistant City Manager

**Subject:** Public Safety Building – Referendum Question for November 7, 2023, Election

---

**Information:** In 2011, the Auburn Police Department relocated from its Minot Avenue location to Auburn Hall as a temporary solution due to space needs, costly needed repairs, and upgrades as a cost saving measure for the city. In 2017, a space needs analysis and site evaluation were completed and in 2019, City Council reallocated CIP funds to expand the facility assessment. In 2020, a comprehensive facilities assessment was completed, and an Ad-hoc Committee was established to review the assessment and make recommendations to City Council. A final committee report was presented to City Council in 2022. In August 2023, a presentation was made to City Council with a recommendation to merge both police and fire departments into one public safety facility to be located at 550 Minot Avenue as the most effective measure for both efficient delivery of services and overall costs for the residents of the City of Auburn.

The bond referendum question will state:

*Shall the City of Auburn authorize the issuance of general obligation bonds or notes in anticipation of such bonds in the principal amount not to exceed \$45,000,000 and appropriate the proceeds of such bonds, together with investment earnings, if any, to fund the construction of a new public safety facility at 550 Minot Avenue in Auburn to house the headquarters of the City’s Police Department and Fire Department, including all necessary professional services, real estate acquisition and off-site improvements related to such construction project, costs of issuance and capitalized interest as permitted?*

**Financial Statement:** The issuance of bonds by the City of Auburn is one of the ways in which the City borrows money for certain purposes. The following is a summary of the bonded indebtedness of the City of Auburn as of November 7, 2023:

Principal of Bonds to be Issued if Approved by Voters:	\$45,000,000
Estimate of Interest on Bonds to be Issued if Approved:	<u>\$37,800,000</u>
Total Debt to be Issued if Approved by Voters:	\$82,800,000

When money is borrowed by issuing bonds, the City must repay not only the principal amount of the bonds but also interest on that amount as well. Principal on the bonds will be repaid in approximately equal annual installments over a period not to exceed 30 years, along with interest, which will be paid semi-annually. The amount of interest to be paid will vary depending on the rate of interest and the years of maturity at the time of issuance, which is expected to be no sooner than 2024. An estimate of the total interest that may reasonably be expected to be paid on the issue submitted herewith for authorization is \$37,800,000, based

on an interest rate of 4.00%. The total principal and interest to be paid over the life of the bonds on the issue submitted herewith, if authorized, is thus estimated to be \$82,800,000.

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the foregoing estimate of the costs involved, including varying interest rates, the estimated cost of interest on the bond amount to be issued, and the total cost of principal and interest to be paid at maturity. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

---

**City Budgetary Impacts:**

Principal of Bonds:	\$45,000,000.00
Interest on Bonds:	\$37,800,000.00
Total 30-year Debt:	\$82,800,000.00

---

**Staff Recommended Action:** Order that the City Clerk, through the City Manager, place the referendum question before the residents of the City of Auburn on the November 7, 2023, election ballot.

---

**Previous Meetings and History:** August 7, 2023

---

**City Manager Comments:**



I concur with the recommendation. Signature:

---

**Attachments:** None



# City Council Order

## IN CITY COUNCIL

**Ordered**, that the City Council hereby directs the City Clerk through the City Manager to place the following referendum question before the residents of the City of Auburn on the November 7, 2023, election ballot:

Shall the City of Auburn authorize the issuance of general obligation bonds or notes in anticipation of such bonds in the principal amount not to exceed \$45,000,000 and appropriate the proceeds of such bonds, together with investment earnings, if any, to fund the construction of a new public safety facility at 550 Minot Avenue in Auburn to house the headquarters of the City's Police Department and Fire Department, including all necessary professional services, real estate acquisition and off-site improvements related to such construction project, costs of issuance and capitalized interest as permitted?

**Financial Statement:** The issuance of bonds by the City of Auburn is one of the ways in which the City borrows money for certain purposes. The following is a summary of the bonded indebtedness of the City of Auburn as of November 7, 2023:

Principal of Bonds to be Issued if Approved by Voters:	\$45,000,000
Estimate of Interest on Bonds to be Issued if Approved:	<u>\$37,800,000</u>
Total Debt to be Issued if Approved by Voters:	\$82,800,000

When money is borrowed by issuing bonds, the City must repay not only the principal amount of the bonds but also interest on that amount as well. Principal on the bonds will be repaid in approximately equal annual installments over a period not to exceed 30 years, along with interest, which will be paid semi-annually. The amount of interest to be paid will vary depending on the rate of interest and the years of maturity at the time of issuance, which is expected to be no sooner than 2024. An estimate of the total interest that may reasonably be expected to be paid on the issue submitted herewith for authorization is \$37,800,000, based on an interest rate of 4.00%. The total principal and interest to be paid over the life of the bonds on the issue submitted herewith, if authorized, is thus estimated to be \$82,800,000.

---

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

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

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



## City Council Order

The validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the foregoing estimate of the costs involved, including varying interest rates, the estimated cost of interest on the bond amount to be issued, and the total cost of principal and interest to be paid at maturity. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

Jill Eastman

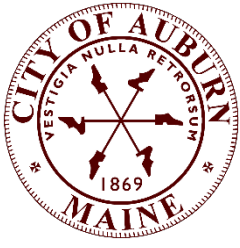
Treasurer, City of Auburn

---

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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 5, 2023

**Order** 120-09052023

**Author:** Councilor Belinda Gerry

**Subject:** ARPA funding allocation Literacy Volunteers - Androscoggin

---

**Information:** Literacy Volunteers – Androscoggin, is requesting the City of Auburn allocate \$5,700.00 from their American Rescue Plan Act (ARPA) funds. Funds will help serve 30 adults in Auburn for one year.

In October of 2022, they were able to qualify for \$12,500 in ARPA funds through Androscoggin County. The funding provided adult literacy programs in Androscoggin County and is due to be expended by October 31, 2023.

Literacy Volunteers -Androscoggin is an incorporated, non-profit – nationally accredited organization that provides Basic Literacy, KAP (Family Literacy), English Language Learners Workplace Literacy Classes and English Conversation Partners.

---

**City Budgetary Impacts:** None

---

**Staff Recommended Action:** Allocate \$5,700.00 to Literacy Volunteers – Androscoggin.

---

**Previous Meetings and History:** None

---

**City Manager Comments:**



I concur with the recommendation. Signature:

---

**Attachments:** Letter to Mayor Levesque and Members of the Auburn City Council.



# Literacy Volunteers – Androscoggin

*Our mission is to provide free, one-on-one tutoring and other educational services to help Adults and families in Androscoggin County acquire the basic reading, writing and math skills they need to enhance their lives and achieve their personal goals.*

Dear Mayor Levesque and Members of the Auburn City Council:

Literacy Volunteers-Androscoggin (LV-A) has been serving the residents of Androscoggin County for 48 years. Our mission is to help adults and families with multiple barriers transform their lives through accessible education. We recruit, train and support volunteers to provide one-on-one instruction for adults who have a critical need to work on their education, and have no other avenue for doing so.

LV-A students represent a broad spectrum of ability, from those who have no literacy skills, to highly educated individuals from other countries. Last year, we worked with adults from 45 different countries, including the United States.

Due to the pandemic, LV-A has experienced a 32% drop in our United Way allocation, as their campaign has been deeply affected. Historically, the UW has provided about 40% of our annual funding so this has been a significant challenge.

We were hit hard by the pandemic, both financially and in regards to student and volunteer numbers, and were able to qualify for \$12,500 in ARPA funds through Androscoggin County in October of 2022. This funding was used to provide adult literacy programs in Androscoggin County and will be spent by October 31, 2023.

The work to rebuild our capacity continues in Auburn and other parts of Androscoggin County. To support our programs in your city, we are requesting \$5,700 in ARPA funds from Auburn, which will cover five hours per week of the Executive Director's salary and help us serve 30 adults in Auburn for one year. These hours would pertain specifically to program and include:

- Student intakes
- Student and volunteer recruitment
- Tutor and English Conversation Partners training and matching
- Support of the tutor/student matches
- Continuing Education for volunteers
- Outreach and building partnerships with other community programs;
- Managing the logistics required for current programs.

The 30 adult students from Auburn would have two core programs available:

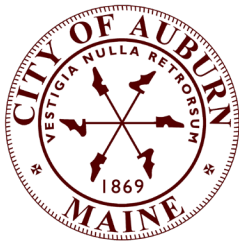
**One-on-one tutoring:** Trained volunteers provide free, one-on-one instruction in reading, writing, and/or math and lessons are centered around the student's life goals. For example: someone that needs a job would be learning to read want ads, fill out applications, or perhaps study for a work related test. Students that have a need to get certified for a specific occupation are matched with a tutor that has knowledge about that field.

**English Conversation Partners:** One-on-one, English Conversation Partners provide the opportunity for ELL students to improve their English speaking skills as well as gain information about Maine culture. This helps them enter and navigate our workplace culture, as well as the community overall. It also affords an opportunity for our volunteers to learn about their students' cultures.

LV-A has a good track record serving the residents of Auburn. Twenty five of the past twenty-seven years, we have received CDBG funds, and 95% of the students who participated in our programs 50 hours or more achieved two or more of their life skill goals, many of which were work related. Pre-pandemic we served 80 to 100 Auburn residents, giving 4,500 hours or more of volunteer service to help area adults gain the skills they needed to obtain a good job, help their children with their education, and lift themselves out of poverty.

Thank you for your past support and your consideration of our proposal.

Respectfully,  Tahlia Chamberlain, Executive Director



**ORDER 120-09052023**

# City Council Order

## IN CITY COUNCIL

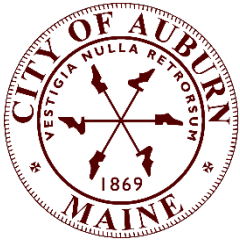
**ORDERED**, that the City of Auburn City Council hereby approves the allocation of \$5,700.00 from the American Rescue Plan Act (ARPA) funds for Literacy Volunteers – Androscoggin programs.

---

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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date: September 5, 2023**

**Order: 121-09052023**

**Author:** Jay Brenchick, Director of Economic Development

**Subject:** Sale of 80 Lake Street (Parcel ID 239-114), 7 Fern Street (Parcel ID 239-113), and 9 Fern Street (Parcel ID 239-112)

---

**Information:** The sale of these properties for One Hundred Thousand Dollars (\$100,000) will allow Jim Wu (the developer) to renovate the former Lake Street School into market rate apartments and 7 and 9 Fern Street into a daycare.

**Subject:** The City of Auburn Economic Development Department seeks approval for the City Manager to Execute a Purchase and Sale Agreement with Jim Wu for the Sale of 80 Lake Street (Parcel ID 239-114), 7 Fern Street (Parcel ID 239-113), and 9 Fern Street (Parcel ID 239-112) for One Hundred Thousand Dollars (\$100,000). The sale of these properties will allow Jim Wu (the developer) to renovate the former Lake Street School into market rate apartments and 7 and 9 Fern Street into a daycare. (See Proposal in attachment below).

A citizens committee for the Lake Street School proposal met on Thursday, August 30<sup>th</sup> to give input on the layout and design in the proposal. The committee liked the project, layout, and design. The committee noted a basketball hoop on the property is used a great deal by the neighborhood. The basketball hoop has been removed in the current proposal. The committee would like to see a basketball hoop included on the property.

Jay Brenchick spoke with Jim Wu regarding the desire to have a basketball hoop on the property. Jim said the hoop was removed in the proposal for safety concerns because it is located next to the parking lot. He views a hoop on the property as an amenity that should be included, and his team will find a safe location for the hoop.

---

**City Budgetary Impacts:** None

---

**Staff Recommended Action:** Approve

---

**Previous Meetings and History:** None

---

**City Manager Comments:**

I concur with the recommendation. Signature:

---

**Attachments:**

- Wu Proposal to Purchase
- Economic Development Memo





**Pineland**

Cumberland Hall  
41 Campus Drive, Suite 301  
New Gloucester, ME 04260

July 18, 2023

Jay Brenchick, Director  
Economic Development Department  
City of Auburn  
60 Court Street  
Auburn, Maine 04210

Mr. Brenchick:

I am writing on behalf of Jim Wu, a reputable business owner, landlord, developer and resident of Auburn. We have spent the last several weeks investigating the development potential of the 80 Lake Street School property and we are excited to express our interest in purchasing the property.

Please find below the terms and conditions of our offer:

**Purchase Price:** We propose a cash payment of \$100,000.00 for the acquisition of 80 Lake Street School. In addition to the purchase price we pledge the immediate installation of a 60' x 40' *Center Stage* playground, valued at over \$100,000, in the location of the previous playground on the property. This playground has already been purchased by Mr. Wu, as proof of our commitment to investing in the property and in recognition of the historic importance of the property to the community.

**Proposed Use & Development:** We propose to renovate the existing school building into ten to eleven, residential apartment units. The building will maintain the current historic high-quality façade. The units will be a mix of one and two-bedroom, market-rate apartments. A minimum of two parking spaces per unit will be maintained on the premises, as well as a couple dedicated parking stalls for playground patrons. Additional parking for playground patrons is available on Fern Street. A Public Easement will be granted to the City for the public's use of the playground.

In addition to the playground and dwelling units, we propose to construct a daycare facility on the 7 & 9 Fern St. parcels that come with the 80 Lake Street parcel. The facility will be small, maybe supporting one or two classrooms, but will still be a welcome addition to the community. The daycare will utilize the immediately adjacent playground. We propose restricting the public use of the playground during a set number of hours during the weekdays so that the daycare may have private use of the play area during those hours, similar to what the School had done in the past.

Direct public pedestrian access to the playground will be available from either public street. The playground will be fenced for safety reasons. Private pedestrian access to and from the apartments will be made available by paved walkways to both streets. Pedestrian and

vehicular access to the apartments and the daycare will be via the same curb cut off Fern Street.

Attached is a colorized site plan depicting these and other proposed improvements to the premises.

**Identification of the Entities:** The following consultants and contractors will provide their expertise on the project:

- Jim Wu (Developer)
- Tom Perkins – Dirigo A/E (Architect/Engineer)
- Barry J. Hosmer (Landscape Architect)
- Jeff Amos – Terradyn Consultants (Engineer)
- Jimmy Courbron - Terradyn Consultants (Land Surveyor)
- Clay McLafferty – K. R. Youland and Son (Contractor)
- Wu Management (Property Manager)

The above-listed team has worked together on many projects within the City of Auburn, including:

- 405 Center Street, Auburn (to be constructed)
- Stable Ridge Apartments (excluding Jim Wu)
- West Shore Landing (excluding Jim Wu & Barry Hosmer)

Jim Wu's portfolio of Businesses and properties include the following:

- Lotus Restaurant
- 114 Hampshire St. (four-unit apartments)  
<https://www.apartments.com/114-hampshire-st-auburn-me/rthqlh3/>
- 122 Goff St. (twelve-unit apartments)
- 96 Second St, New Auburn (fourteen-unit apartments, old schoolhouse reno.)

**Proposed Schedule:** As stated, we are prepared to install the playground immediately upon acceptance of our proposal, and with the blessing of Parks and Recreation or the neighborhood citizens group. Planning, design and permitting for the rest of the project is anticipated to occur over fall of 2023/winter of 2024, with an anticipated start of construction of fall of 2024. Occupancy permits will be sought spring of 2025. This timeline is negotiable and can be accelerated if desired by the City or Neighborhood.

The project will likely be phased, with the renovation of the schoolhouse being the first phase and the construction of the daycare to follow immediately after completion of the schoolhouse renovation in Spring of 2025. An occupancy permit for the daycare will be sought six months later, in late fall of 2025.

We will not be seeking public assistance or financing for this project. The Developer is able to finance this project themselves. Please see the attached Letter of Financial Capacity for details.

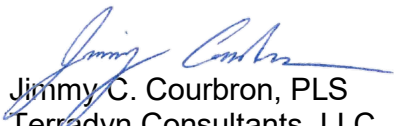
**Benefits of our Proposal:** By purchasing 80 Lake Street School, we aim to provide a positive impact on the Lake Street community. The goal of our development will be to minimize as much as possible the impact the proposed change in use will have on the Lake Street community while also providing new housing units that the City critically needs.

By preserving the façade of the schoolhouse building, providing a similar use in the form of a new daycare facility, and by preserving a playground within the historic parcel, we believe our proposed development will honor the legacy of this historic property.

The proposed, higher-end residential units will compliment the character of the surrounding neighborhood, and the proposed landscaping and thoughtful layout of the site will beautify the area.

Ultimately, we believe the proposed development will add value to the community and help the City meet its housing and infrastructure needs.

Regards,



Jimmy C. Courbron, PLS  
Terradyn Consultants, LLC  
(207) 212-4478  
jim@terradyconsultants.com

CC:  
Jim Wu  
48 Vista Dr.  
Auburn, ME 04210

Attachments:

1. Site Plan
2. Letter of Financial Capacity
3. Playground Graphic (similar to purchased, but not the same)

# Lake Street School

## Conceptual Site Plan

July 20, 2023

For:

Jim Wu  
279 Center Street  
Auburn, Maine 04210



Prepared By:  
Terradyn Consultants LLC  
Barry J Hosmer - Landscape Architect

**Bertrand G. LaBonte, CPA, MBA, MST**

185 Webster Street Suite #3

Lewiston, Maine 04240

(207)782-9500

Fax (207)333-5107

e-mail [bglcpa@aol.com](mailto:bglcpa@aol.com)

July 19, 2023

City of Auburn Maine  
Economic Development Department  
Jay Brenchick, Director  
60 Court Street  
Auburn, Maine 04210

Mr. Brenchick:

My client Jim Wu has substantial experience in developing commercial properties in the Lewiston/Auburn area. He has more than a dozen properties both residential and commercial which he manages and maintains. He has available funds to purchase and develop this property without the need for borrowing.

If you have any questions, please do not hesitate to call.

Sincerely,

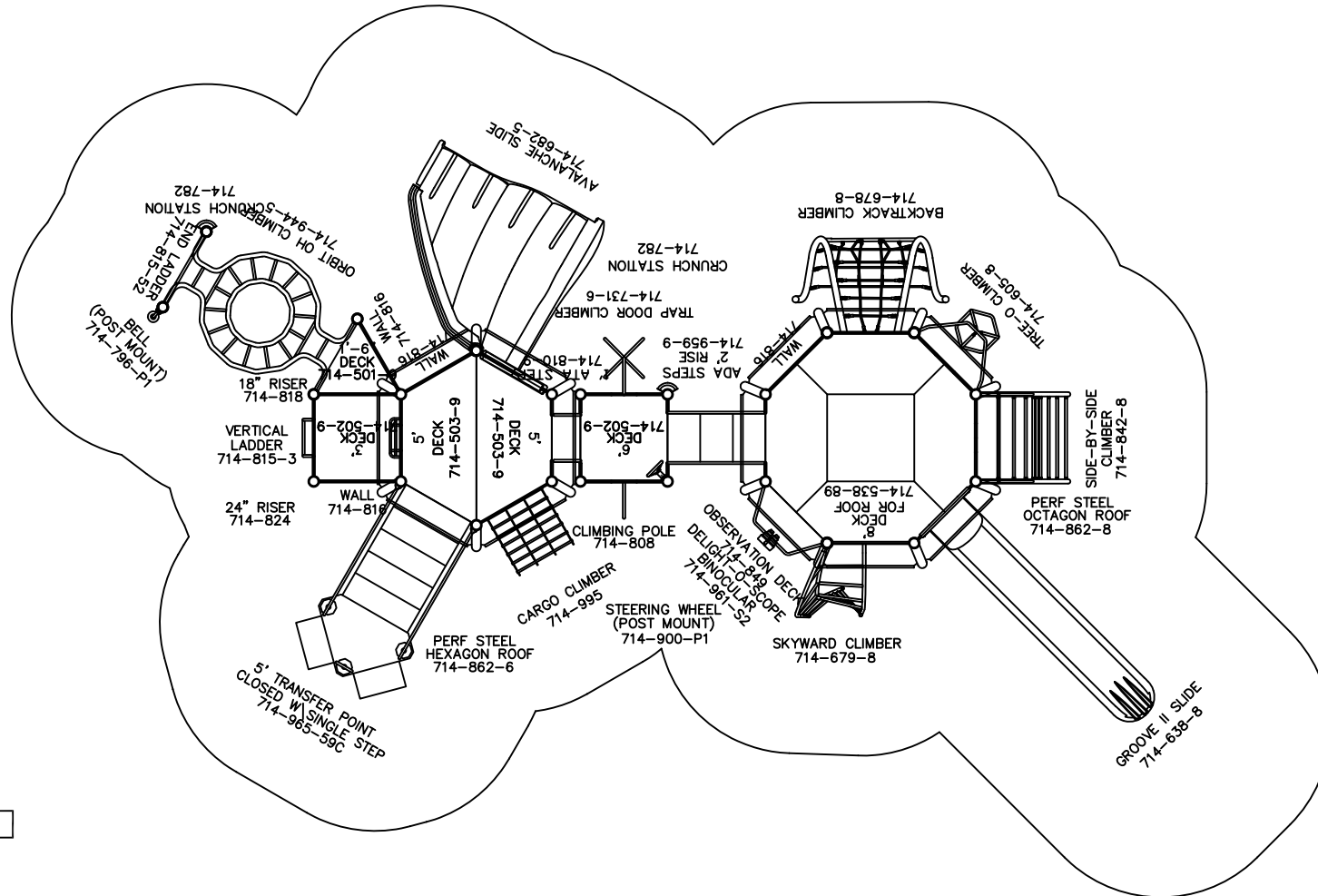


Bertrand G. LaBonte  
Certified Public Accountant

Cc Jim Wu

ELEVATED PLAY ACTIVITIES - TOTAL	12
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY TRANSFER	10 REQ'D 6
ELEVATED PLAY ACTIVITIES ACCESSIBLE BY RAMP	0 REQ'D 0
GROUND LEVEL ACTIVITY TYPE	3 REQ'D 3
GROUND LEVEL ACTIVITY QUANTITY	4 REQ'D 4

# Similar to Purchased



Play Area Capacity: 115-125



To verify product certification, visit [www.ipema.org](http://www.ipema.org)

To promote safe and proper equipment use by children, Miracle recommends the installation of either a Miracle safety sign or other appropriate safety signage near each playsystem's main entry point(s) to inform parents and supervisors of the age appropriateness of the playsystem and general rules for safe play.



THE PLAY COMPONENTS IDENTIFIED IN THIS PLAN ARE IPEMA CERTIFIED. THE USE AND LAYOUT OF THESE COMPONENTS CONFORM TO THE REQUIREMENTS OF ASTM F1487.

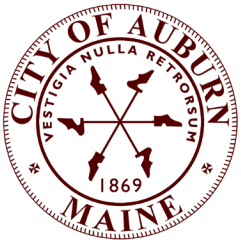
AN ENERGY ABSORBING PROTECTIVE SURFACE IS REQUIRED UNDER & AROUND ALL PLAY SYSTEMS.

<b>714-S602</b>	
GROUND SPACE:	47' X 27'
PROTECTIVE AREA:	61' X 41'

✓	COMPLIES TO CPSC
✓	COMPLIES TO ASTM
✓	COMPLIES TO ADA

DESIGNED FOR AGES 5-12	
<small>ADDITIONAL GROUND LEVEL ACCESSIBLE ITEMS NEEDED FOR ADA COMPLIANCE</small>	
TYPE: 0	QUANTITY: 0

SCALE: 1/8" = 1'-0"
DATE: 8/31/2018
CINDI



**City of Auburn**  
**Proposed Sale of City-Owned Properties**  
**City Council Meeting: September 5, 2023**

Jay Brenchick, Director of Economic Development

**Subject:** The City of Auburn Economic Development Department seeks approval for the City Manager to Execute a Purchase and Sale Agreement with Jim Wu for the Sale of 80 Lake Street (Parcel ID 239-114), 7 Fern Street (Parcel ID 239-113), and 9 Fern Street (Parcel ID 239-112) for One Hundred Thousand Dollars (\$100,000). The sale of these properties will allow Jim Wu (the developer) to renovate the former Lake Street School into market rate apartments and 7 and 9 Fern Street into a daycare. (See Proposal in attachment below).

A citizens committee for the Lake Street School proposal met on Thursday, August 30<sup>th</sup> to give input on the layout and design in the proposal. The committee liked the project, layout, and design. The committee noted a basketball hoop on the property is used a great deal by the neighborhood. The basketball hoop has been removed in the current proposal. The committee would like to see a basketball hoop included on the property.

Jay Brenchick spoke with Jim Wu regarding the desire to have a basketball hoop on the property. Jim said the hoop was removed in the proposal for safety concerns because it is located next to the parking lot. He views a hoop on the property as an amenity that should be included, and his team will find a safe location for the hoop.



**ORDER 121-09052023**

# City Council Order

## IN CITY COUNCIL

**ORDERED**, that the City Manager Execute a Purchase and Sale Agreement with Jim Wu for the Sale of 80 Lake Street (Parcel ID 239-114), 7 Fern Street (Parcel ID 239-113), and 9 Fern Street (Parcel ID 239-112) for One Hundred Thousand Dollars (\$100,000).

---

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

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

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