

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
VACANT, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 01-02062017

BE IT ORDAINED, that the City Council hereby adopts to Chapter 39 in the Code of Ordinances SEX OFFENDER RESIDENCY RESTRICTIONS as follows:

Chapter 39 - SEX OFFENDER RESIDENCY RESTRICTIONS

ARTICLE I. - IN GENERAL

Sec. 39-1. - Title.

This chapter shall be known as the "City of Auburn Sex Offender Residency Restrictions Ordinance."

Sec. 39-2. - Findings and purpose.

The city promotes and strives to create a safe environment for its citizens to live and raise families and considers the promotion of the safety and welfare of children to be of paramount importance. The city recognizes that sex offenders who prey upon children may have a high rate of recidivism. Notwithstanding the fact that certain persons convicted of sex offenses or sexually violent offenses are required to register pursuant to the Maine Sex Offender Registration and Notification Act of 1999, 34-A M.R.S.A. § 11201 et seq., as may be amended from time to time, the city finds that further protective measures are necessary and warranted to safeguard places where children congregate. The purpose of this chapter is to provide such further protective measures while balancing the interests and residential needs of sex offenders.

Sec. 39-3. - Authority.

This chapter is adopted in accordance with the provisions of 30-A M.R.S.A. § 3001 and 30-A M.R.S.A. § 3014, as may be amended from time to time.

Sec. 39-4. - Definitions.

Setback. A 750 foot radius surrounding "restricted property."

Designated sex offender(s). Person(s) convicted of Class A, B or C sex offenses committed against persons who had not attained 14 years of age at the time of the offense, regardless of whether the offense was committed in the State of Maine or another jurisdiction.

Residence. The temporary or permanent occupation or use of a place, including, but not limited to a domicile, for the purpose of living, residing or dwelling.

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Restricted property. (i) The real property comprising a public or private elementary, middle or secondary school; and (ii) the real property comprising a municipally owned property or state-owned property that is leased to a nonprofit organization for purposes of a park, athletic field or recreation facility that is open to the public where children are the primary users.

Sec. 39-5. - Restricted property map; restrictions.

(a) The ICT department, with the assistance of the police department, shall prepare and file with the city clerk and police department an official map showing restricted property as defined by this chapter. Said map is hereby incorporated herein and made a part of this chapter. The GIS department, with the assistance of the police department, shall by July 1 of each year recommend updates to the map to the city council to reflect any changes in the locations of any restricted property and setbacks. The city council may amend the restricted property official map by council order, and any amended official map shall be filed with the city clerk and the police department.

(b) No designated sex offender shall reside within the setback of any restricted property.

Sec. 39-6. - Exceptions.

A designated sex offender maintaining a residence within the setback of a restricted property is not in violation of this ordinance if the offender's residence was established and consistently maintained as the offender's residence prior to March 1st, 2017, the date of adoption of this chapter. A designated sex offender is not in violation of this chapter if the restricted property is created, moved or enlarged and such creation, movement or enlargement results in a designated sex offender residing within the setback of a restricted property, as long as the offender's residence was in place and consistently maintained prior thereto.

Sec. 39-7. - Violations and penalties.

(a) A designated sex offender who, thirty (30) days after actual receipt of written notice sent by regular mail or hand-delivered from the city, acting by and through its police department, is in violation of this chapter shall be subject to an action brought by the city to enforce the requirements of this chapter. The city may file a legal action against the violator seeking any and all remedies to which it is entitled pursuant to state and local laws, including, without limitation, declaratory and injunctive relief.

The city may also seek a penalty in the minimum amount of \$500.00 per day. Each day of violation shall constitute a separate violation. In the event the city is the prevailing party in any action under this chapter, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the city. All civil penalties shall inure to the benefit of the City of Auburn.

(b) Property owners who, thirty (30) days after written notice from the City of Auburn lease or rent any residence to a designated sex offender within the setback from a restricted

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property shall be subject to an action brought by the City of Auburn to enforce the requirements of this ordinance. The City of Auburn may seek injunctive relief to require compliance with the provisions to this ordinance.

Sec. 39-8. - Severability.

If any section, phrase, sentence or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Public hearing and passage of first reading on 2/6/2017.
Passage of second reading on 2/27/2017 (Councilor Stone absent).

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IN CITY COUNCIL

ORDINANCE 02-03062017

ORDINANCE, ESTABLISHING THE COMPLETE STREETS COMMITTEE

BE IT ORDAINED, that the City Council hereby adopts the Ordinance establishing the Complete Streets Committee as noted below:

Article V, Boards, Commissions, and Committees Division 6 - Complete Streets Committee

Section 2- 482.2. Purpose and Mission

The purpose of the Complete Streets Committee is to

- (a) Promote and advise the development of public infrastructure which supports a multi-modal transportation system for all users, not strictly motor vehicles, and includes the best design practices for enhancing safety as well as community and economic development;
- (b) Develop and recommend policies to the respective governing bodies and planning agencies that address and support all modes of transportation in Lewiston Auburn;
- (c) Advise the respective public works and engineering departments on how all modes of travel can be accommodated in street, highway, trail, and open space projects;

Section 2-482.3. Appointment and Membership.

- (a) The Committee shall consist of nine (9) members as follows: 4 residents of the City of Auburn, 4 residents of the City of Lewiston, and 1 representative of an organization directly involved in issues of public health and wellness. A city councilor may be appointed as a resident.
- (b) The residents of each community shall be appointed in accordance with the standard procedures employed by each community for such appointments. The representative of an organization directly involved in issues of public health shall be appointed by majority vote of the members of the full committee.
- (c) The initial term for resident members shall be three (3) years, as shall the term of the representative of a public health organization. These terms shall run from the first day of January of the year in which the appointment is made. At the time the initial

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appointments are made, the appointing authority shall assign each resident member to a term with one member appointed to a one year term; one to a two year term; and one to a three year term. Members shall remain in office until their successors are appointed.

- (d) Vacancies shall be filled following the same process employed for the initial appointment of members.
- (e) A vacancy shall be declared if any member of the committee fails to attend three consecutive regular meetings of the committee without being excused by the committee chair.

Section 2-482.4. Duties and Responsibilities.

The Complete Streets Committee shall:

- (a) Follow the City's Complete Streets Policy, oversee its implementation, and review the policy every 2 years to recommend changes as appropriate;
- (b) Serve as the primary resource representing Lewiston and Auburn in the update of Regional and Statewide plans dealing with transportation issues involving motorized vehicles, bicycles, pedestrians, public transportation, and other non-automobile related transportation issues;
- (c) Develop and recommend policies and ordinances for passage by the City Councils in support of alternative modes of transportation;
- (d) Review and comment on existing transportation projects including regionally approved projects, municipally initiated projects, and improvements originating from Traffic Movement Permits associated with development projects; and
- (e) Participate with appropriate city and state departments, committees, and metropolitan planning organizations in planning coordinated multi-modal transportation systems in L-A and the surrounding region, such as rail, bus, and air.

Section 2-482.5 Organization.

- (a) The Committee shall have the following officers: Chair, vice-chair, and secretary, each of whom shall be selected by a majority of the members of the committee at its first meeting in January of each year. The chair shall preside over all meetings of the board, shall supervise the affairs of the board, and shall perform such other duties as may be assigned to the office by the committee. The vice-chair shall assist the chair in carrying out the latter's duties and shall preside at meetings in the chair's absence. The secretary shall be responsible for preparing and distributing committee agendas and

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minutes and ensuring that the legal posting requirements are met.

- (b) A quorum necessary to conduct an official meeting shall consist of at least six members and at least six concurring votes shall be necessary to constitute an action on any matter.
- (c) The committee shall meet at least quarterly and may meet more frequently at the call of the chair.
- (d) Unless otherwise prescribed by this Division or by bylaws established by the Committee, the Committee shall operate in accordance with Robert's Rules of Order.

Section 2-482.6. Staff Support. The City Manager/Administrator of each community shall designate a planning or public works staff member to serve as a liaison to the committee.

Passage of first reading on 3/6/2017 5-0 (Councilor Stone absent).
Passage of second reading on 3/20/2017 6-0.

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IN CITY COUNCIL

ORDINANCE 03-03062017

COMPLETE STREETS ORDINANCE

BE IT ORDAINED, that the City Council hereby adopts the Complete Street Ordinance as noted below:

Complete Streets

The City of **Auburn** will plan for, design, construct, operate, and maintain an appropriate and integrated transportation system that will meet the needs of motorists, pedestrians, bicyclists, wheelchair users, transit vehicles and riders, freight haulers, emergency responders, and residents of all ages and abilities.

- (1) Transportation facilities that support the concept of complete streets include, but are not limited to, pavement markings and signs; street and sidewalk lighting; sidewalk and pedestrian safety improvements; Americans with Disabilities Act and Title VI compliance; transit accommodations; bicycle accommodations including intersection detection and appropriate signage and markings; and streetscapes that appeal to and promote pedestrian use.
- (2) The system's design will be consistent with and supportive of local neighborhoods, recognizing that transportation needs vary and must be balanced in a flexible, safe, and cost effective manner.

Projects

Those involved in the planning and design of projects within the public right-of-way will give consideration to all users and modes of travel from the start of planning and design work. Transportation improvements shall be viewed as opportunities to create safer, more accessible streets for all users. This shall apply to new construction, reconstruction, and rehabilitation. The Complete Streets Committee¹² shall be briefed on potential future

¹ Note that this assumes the Complete Streets Committee will also be established by an ordinance.

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projects of this nature during or immediately following the annual development of the city's capital improvement program. This will allow the Committee to provide its views regarding complete streets policy early in the planning and design process.

Exceptions

Exceptions to this policy may be made under the circumstances listed below:

- (1) Street projects may exclude those elements of this policy that would require the accommodation of street uses prohibited by law;
- (2) Ordinary maintenance activities such as mowing, snowplowing, sweeping, spot repair, joint or crack sealing, or pothole filling do not require that elements of this policy be applied beyond the scope of that maintenance activity;
- (3) Ordinary maintenance paving projects may only exclude the elements of this policy that would require increasing pavement width. However, when such projects do occur, the condition of existing facilities supporting alternate transportation modes should be evaluated as well as the appropriateness of modifying existing pavement markings and signage that supports such alternate modes. This exception does not apply to street reconstruction projects;
- (4) Street reconstruction projects and maintenance paving projects which involve widening pavement may exclude elements of this policy when the accommodation of a specific use is expected to:
 - (a) require more space than is physically available, or
 - (b) be located where both current and future demand is proven absent, or
 - (c) drastically increase project costs and equivalent alternatives exist within close proximity, or
 - (d) have adverse impacts on environmental resources such as streams, wetlands, floodplains, or on historic structures or sites above and beyond the impacts of

Such an ordinance would be located in a different section of the Code.

² Note that this assumes the Complete Streets Committee will also be established by an ordinance. Such an ordinance would be located in a different section of the Code. This footnote applies to all references in this ordinance to the Committee.

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currently existing infrastructure.

- (5) In order for an exception to be granted under the conditions stated above and prior to finalizing the design and budget for the intended project, the City Engineer and Director of Public Works must first consult with the City Planner and City Manager. If the City Manager concludes that an exception to the policy is warranted, the Administrator or the staff representative to the Complete Streets Committee shall consult with the Committee regarding the project and the requested exception. If, after this consultation, a difference of opinion exists between the Committee and staff regarding an exception that has been granted, the Committee may forward its concerns to the City Council for its consideration.
- (6) The City Council may grant such other exceptions as it sees fit.

Intergovernmental Cooperation

The City will cooperate with the City of **Lewiston** and with other transportation agencies including the Maine Department of Transportation (MDOT) and Androscoggin Transportation Resource Center (ATRC) to ensure the principles and practices of complete streets are embedded within their planning, design, construction, and maintenance activities. The two cities will specifically cooperate to ensure the transportation network flows seamlessly between the two communities in accordance with local and regional road, transit, bicycle, and pedestrian plans and mutually agreed upon design criteria.

Design Criteria

The City, through its Public Works Department, shall develop and adopt design criteria, standards, and guidelines based upon recognized best practices in street design, construction, and operation. To the greatest extent possible, the City shall coordinate with the City of Auburn to adopt the same standards with particular emphasis on pedestrian and bicycle markings and wayfinding signage. Resources to be referenced in developing these standards shall include, but not necessarily be limited to, the latest editions of: American Association of State Highway Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets, Guide for Planning, Designing, and Operating Pedestrian Facilities, and Guide for the Development of Bicycle Facilities; Institute of Transportation Engineers (ITE) Designing Walkable Urban Thoroughfares: A Context Sensitive Approach; National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide; U.S. Access Board Public Right-of-Way Accessibility Guidelines; Androscoggin Transportation

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Resource Center (ATRC) Complete Streets, A Guide to Best Management and Design Practice; Highway Capacity Manual and Highway Safety Manual; the Manual on Uniform Traffic Control Devices; and any applicable policies and guidance issued by the Maine Department of Transportation.

The Cities will be permitted to consider innovative or non-traditional design options that provide a comparable level of safety and utility for users as those listed above.

Community Context

Implementation of this Policy shall take into account the goal of enhancing the context and character of the surrounding built and natural environments. Transportation facilities, including roads, should be adapted to fit and enhance the character of the surrounding neighborhood.

Network

Special attention should be given to projects which enhance the overall transportation system and its connectivity. Specifically, high priority should be given to:

- (1) Corridors providing primary access to one or more significant destinations such as a parks or recreation areas, schools, shopping/commercial areas, public transportation, or employment centers;
- (2) Corridors serving a relatively high number of users of non-motorized transportation modes;
- (3) Corridors providing important continuity or connectivity links to existing pedestrian or bicycle networks;
- (4) Projects identified in regional or local bicycle pedestrian plans prepared by organizations such as the ATRC and other associated groups.

Performance Measures

The City Administrator and/or designee shall report to the Planning Board and City Council on an annual basis on the transportation projects undertaken within the prior year and planned within the coming year and the extent to which each of these projects has met the Complete Streets ordinance.

Implementation

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This policy will be primarily implemented through planning comprehensive complete streets networks regionally and within each city.

Additional implementation activities will include, but not be limited to: developing project checklists that incorporate complete streets elements in the Cities' overall design processes; annual review of capital improvement plans and unified planning work programs; establishing design manuals that clearly set forth the complete streets standards; and directing the Planning Boards to evaluate changes to the Cities' respective land development codes that will extend the complete streets concept into private developments through appropriate subdivision and site plan regulations.

Passage of first reading on 3/6/2017 5-0 (Councilor Stone absent).
Passage of second reading on 3/20/2017 6-0.

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IN CITY COUNCIL

ORDINANCE 04-03202017

BE IT ORDAINED, that the City Council hereby amends the City of Auburn Zoning Map from Multi-Family Urban (MFU) to Neighborhood Business (NB) for the property located at 127 Hampshire Street (PID # 250-315) and as shown on the attached map, pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn.

**Passage of first reading on 3/20/2017
6-0. Passage of second reading on
4/3/2017 5-1 (Councilor Titus
opposed).**

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IN CITY COUNCIL

ORDINANCE 05-04032017

BE IT ORDAINED, that the City Council hereby amends Chapter 60 of the Auburn Zoning Ordinance, adding "Adaptive Reuse" and "Structure of Community Significance" to Section 60-2, Definitions; amends all Zoning Districts in Article IV, District Regulations to include "Adaptive Reuse of a Structure of Community Significance" as a Special Exception and amending Section 60-1302, Exemption for Information, adding "Fee Waiver" to allow the Planning Board or Planning Director to waive the Site Plan Review Fee for Special Exception applications for Adaptive Reuse of Structures of Community Significance.

**Passage of first reading on 4/3/2017
5-1 (Councilor Titus opposed).
Passage of second reading on 4/24/17
5-1 (Councilor Titus opposed).**



City of Auburn, Maine

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Proposed Changes to Chapter 60, Zoning, Auburn Code of Ordinances for Adaptive Reuse of Structures of Community Significance

1. Definitions:

Sec. 60-2. - Definitions.

Adaptive Reuse means a Special Exception permitting a Structure of Community Significance to be used for one or more purposes, not otherwise permitted in the District in which the Building is located, but which the Planning Board has determined will contribute to the preservation of a Structure of Community Significance, including without limitation, the following uses:

- a) Bed and breakfast homes or inns;
- b) Restaurants, diners or cafes;
- c) Art studios and galleries;
- d) Performing arts centers;
- e) Medical and dental clinics;
- f) Office space;
- g) Municipal and government uses; and
- a)h) Retail sales as an accessory use.

Structure of Community Significance means a Building that by virtue of its historic, social, cultural or economic contribution to the community, as determined by the Planning Board, is entitled to a Special Exception allowing its Adaptive Reuse. The Planning Board may consider a Building's age, as well as any evidence of its role in the historic, social cultural, or economic history of the community, in determining whether a Building qualifies for this designation.

2. Addition of Adaptive Reuse of Structures of Community Significance as a Special Exception to the following Districts:

DIVISION 2. - AGRICULTURE AND RESOURCE PROTECTION DISTRICT

- (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:

(16) Adaptive Reuse of Structures of Community Significance

DIVISION 3. - LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

- (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 XVI of this chapter:

(3) Adaptive Reuse of Structures of Community Significance

DIVISION 4. - LOW DENSITY RURAL RESIDENCE DISTRICT

- (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 XVI of this chapter:

[\(17\) Adaptive Reuse of Structures of Community Significance](#)

DIVISION 5. - SUBURBAN RESIDENCE DISTRICT

- (b) Special exception uses. The following uses are permitted by special exception after approval by the planning board in accordance with division 3 of article XVI of this chapter:

[\(3\) Adaptive Reuse of Structures of Community Significance](#)

DIVISION 6 - URBAN RESIDENCE DISTRICT

- b) Special exception uses. All uses permitted by special exception in the Suburban Residence (SR) District (division 6 of article IV of this chapter), except radio, radar, television and radio-telephone transmitting towers are permitted in the Urban Residence (UR) District.

[\(1\) Adaptive Reuse of Structures of Community Significance](#)

DIVISION 7 - MULTIFAMILY SUBURBAN DISTRICT

- (b) Special exception uses. The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

- (1) All uses are permitted by special exception in the Urban Residence (UR) District (division 7 of article IV of this chapter).

[\(4\) Adaptive Reuse of Structures of Community Significance](#)

DIVISION 8 - MULTIFAMILY URBAN DISTRICT

- (b) Special exception uses. The following uses are permitted special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

- (1) All uses permitted by special exception in the Multifamily Suburban (MFS) District (division 8 of article IV of this chapter).

[\(3\) Adaptive Reuse of Structures of Community Significance](#)

DIVISION 9 - PLANNED UNIT DEVELOPMENT-

The underlying zoning will be used for an application for the Adaptive Reuse of Structures of Community Significance.

DIVISION 10. - DOWNTOWN ENTERPRISE ZONE

- (b) Special exception uses. The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

[\(8\) Adaptive Reuse of Structures of Community Significance](#)

DIVISION 11. - NEIGHBORHOOD BUSINESS DISTRICT

- (b) Special exception uses. The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter.

[\(7\) Adaptive Reuse of Structures of Community Significance](#)



City of Auburn, Maine

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DIVISION 12. - GENERAL BUSINESS DISTRICT

- (b) Special exception uses. The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

[\(21\) Adaptive Reuse of Structures of Community Significance](#)

DIVISION 13. - MINOT AVENUE (GBII)

- (b) Special exception uses. The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

[\(15\) Adaptive Reuse of Structures of Community Significance](#)

DIVISION 14. – FORM BASED CODE

See revised Form Based Code Use and Parking Matrix on page 4

DIVISION 15. - INDUSTRIAL DISTRICT

- (b) Special exception uses. The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter; upon determination that such a use will not unduly disturb or harmfully influence other uses in the areas adjoining:

[\(36\) Adaptive Reuse of Structures of Community Significance](#)

3. Allow Planning Board to waive Development Review Fee

Sec. 60-1302. - Exemption for information; [Fee waiver](#).

Upon request, the planning board, or the planning director, acting for the board, may waive the necessity of providing any of the foregoing planning information which is not relevant to the proposed development. [The planning board or the planning director, acting for the board, may waive the site plan review fee if the purpose of the site plan review is to determine the Adaptive Reuse of a Structure of Community Significance.](#)

Sec. 60-554 FORM BASED CODE USE and PARKING MATRIX

USE (1)	T-4.1	T-4.2	T 5.1	T-5.2	T-6	PARKING REQUIREMENTS (2)
Residential Type Use						
Single Family	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	1 sp/DU
Multi-Family	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & Breakfast < 4 Rooms	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & Breakfast > 4 Rooms	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	S	S	P	1/2 sp /employee plus 1 sp /room
Elderly/Child Care Facility	S	S	S	S	P	1 sp / 2 employees + 1 sp / 8 users
Home Occupation	P	P	P	P	P	Based on Use Type (Sec. 60-673-10)
Community Based Residential Facilities	P	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding House/Lodginghouse	P	P	P	S	X	1 sp/guestroom plus 1 sp/employee
Office/Service Type Use						
Professional Offices	S	S	P	P	P	1 sp/400 sf
Medical and Dental Clinics	S	S	P	P	P	1 sp./400 sf
Personal Services	S		P	P	P	1 sp./400 sf
Retail Type Use						
General Retail	S	S	P	P	P	1 sp/400 sf
Age Restricted Retail (3)	S	S	S	S	S	1 sp/400 sf
Specialty Shops	S	P	P	P	P	1 sp/400 sf
Restaurant to 30 seats w/16 outdoor	X	S	P	P	P	1 sp/4 seats
Restaurant over 30 seats w/16 outdoor		S	S	P	P	1 sp/4 seats
Halls, Private Clubs, Indoor Amusement	S	S	S	P	P	1 sp/400 sf
Artist Studios, Performing Art Center	S	S	P	P	P	1 sp/400 sf
Civic						
Church or Places of Worship	S	S	P	P	P	1 sp/5 seats
Government Offices	X	X	P	P	P	1 sp/400 sf
Art Galleries	S	P	P	P	P	1 sp/400 sf
Transportation Facilities	X	X	S	S	S	1 sp/400 sf
<u>Adaptive Reuse of Structures of Community Significance</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>To be determined by the Planning Board depending on use(s)</u>

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-5.1, T- 5.2 and T-6 may be provided by the municipality or private parking resources within 1,000 feet of the principal building, subject to Planning Board approval.
- (3) Where more than 50% of floor space is devoted to Age Restricted Goods

S = Special Exception
sp = parking space

P = Permitted
sf = square foot of gross floor space

X-Prohibited
DU = Dwelling Unit

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IN CITY COUNCIL

ORDINANCE 06-06052017

BE IT ORDAINED, that the City Council, that Chapter 60, Zoning be amended as follows:

ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2 AGRICULTURE AND RESOURCE PROTECTION DISTRICT, Section 145, Use Regulations, (b) Special Exception Uses,

(16) 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 5 years prior to the date of the application for the special exception; and
- c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

**Public hearing and passage of first reading on 6/5/2017 5-0-1 (Councilor Young absent).
Passage of second and final reading on 6/19/2017 7-0.**

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IN CITY COUNCIL

ORDINANCE 07-08072017

Be it Ordained, that the City Council hereby adopt First Reading of the following ordinance:

Sec. 14-50 -- FOOD SOVEREIGNTY LICENSE EXEMPTION

a. Intent and Purpose

The intent and purpose of Auburn's Food Sovereignty Ordinance is to ensure that residents are provided unimpeded access to local food and to reduce governmental regulation of the local food system to the fullest extent permitted by home rule authority under Title 30-A M.R.S. § 3001, the Constitution of Maine, Article VIII, Part Second, and pursuant to 7-A M.R.S. §201, et. Seq.

b. Definitions

As used in this Ordinance, the following words and phrases shall have the meanings indicated:

“Consumer” means any individual who purchases or otherwise receives local food or food products from a producer, grower or processor.

“Grower” means any individual who grows local food or food products.

“Local food system” means a community food system within a municipality that integrates food production, processing, consumption, direct producer-to-consumer exchanges and other traditional foodways to enhance the environmental, economic, social and nutritional health and well-being of Auburn and its residents.

“Local food or food products” means food, food products or drink grown, produced and processed by individuals within Auburn who sell or provide directly to consumers.

“Processor” means any individual who processes or prepares local food or food products.

“Producer” means any individual who produces local food or food products.

c. Exemption

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

Producers, growers, and processors of local food or food products in the City of Auburn are exempt from licensure and inspection with respect to their provision or sale of local food and food products to consumers within the local food system of the City of Auburn. To the extent this Section conflicts with any portion of the Code of Ordinances of the City of Auburn, this Section shall prevail and, as it pertains to this Section, that portion of Code shall be inapplicable.

A TRUE COPY

ATTEST _____
Susan Clements-Dallaire, City Clerk

**Passage of first reading on
8/7/2017 7-0. Passage of
second reading on 8/21/17
6-0 (Councilor Young
absent).**

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 08-08072017

BE IT ORDAINED, that the City Council hereby adopts the Recreational Planned Unit Development Ordinance amendments (Chapter 60, Article IV, Division 10, Sec. 60-359 through Sec. 60-361 and Sec. 60-382 through Sec. 60-389, Sec. 60-421, and Sec. 60-2) as attached.

Passage of first reading on 8/21/2017 5-1 (Councilor Titus opposed, Councilor Pross absent). Passage of second and final reading on 9/11/2017 5-2 (Councilors Lee and Titus opposed).

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DRAFT PLANNING BOARD RECOMMENDATION ACCEPTED AS PART OF MINUTES AT 1/10/12
PLANNING BOARD MEETING-Modified for sewer and density requests (yellow).-

DIVISION 10. - PLANNED UNIT DEVELOPMENTS

Subdivision I. - In General
Subdivision II. - Types
Subdivision III. - Application Procedure

Subdivision I. - In General

[Sec. 60-359. - Purpose.](#)
[Sec. 60-360. - Scope.](#)
[Sec. 60-361. - General standards.](#)
[Secs. 60-362—60-380. - Reserved.](#)

Sec. 60-359. - Purpose.

The purpose of this section is to provide for a greater variety and choice of design for urban and suburban living, to gain efficiencies, to coordinate design development efforts, to conserve and make available open space, to utilize new technologies for ~~urban~~ land development and to ~~gain flexibilities over offer a flexible alternative to~~ conventional land control regulations. This section should not be used as a device for circumventing the city's development regulations and may be employed in instances where there is truly some benefit to be derived from its use for the community and for the developer. The type and amount of development permitted shall be based on the Planning Board's evaluation of the development proposal and the purposes standards and provisions set forth in this Division.

(Ord. of 3-16-2009, § 3.51(A); Ord. of 9-21-2009, § 3.51A)

Sec. 60-360. - Scope.

- (a) Application for a PUD-C Planned Unit Development, PUD-I Planned Unit Development or PUD-R Planned Unit Development ~~planned unit development~~ may be made for land located where public sewer is presently available or will be made available by the developer prior to certificates of occupancy being issued. Application for a for PUD-RR Planned Unit Development: Recreation/Residential may be made for land located where public sewer is presently available, will be made available by the developer prior to certificates of occupancy being issued or may utilize private wastewater disposal systems in compliance with State Plumbing Codes. ~~in all zoning districts except agriculture and resource protection districts.~~
- (b) ~~The requirements for setback, lot width, lot depth, lot area, street frontage and percentage of lot coverage stated in individual zoning classifications shall be subject to negotiation as they apply to planned unit developments, except the front yard setback from all dedicated rights of way shall not be reduced. In specific cases, the requirements for off-street parking stated in article V of this chapter and minimum area as stated in individual zoning classifications may be reduced. These requirements shall be controlled by the criteria and~~

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~~standards of this division and as shown on the approved planned unit development plan.~~

~~The dimensional requirements stated in individual zoning districts and signs as stated in Article V of this Chapter may be increased or decreased by the Planning Board as they apply to planned unit developments, except the front yard setback from all public streets shall not be reduced. The dimensional requirements and provision of signs shall be controlled by the standards sets forth in Sec. 60-359 Purpose and Sec 60-361 General Standards.~~

(c) Coordination with subdivision regulations.

- (1) ~~It is the intent of this division that if~~ a plan review is required under division 4 of article XVI Subdivision of this chapter, ~~that it shall~~ be accomplished simultaneously with the review of the planned unit development plan under this division of this zoning chapter.
- (2) The final development plan shall be submitted in a form that is in accordance with the requirements of division 4 of article XVI Subdivision of this chapter relative to final plans where applicable.
- (3) Requirements of this division of this zoning chapter and those of division 4 of article XVI of this chapter shall apply to all planned unit developments.

(Ord. of 3-16-2009, § 3.51(B); Ord. of 9-21-2009, § 3.51B)

Sec. 60-361. - General standards.

The following provisions apply to all planned unit development districts:

- (1) The ~~setback, lot width and lot coverage~~dimensional requirements as stated in individual zoning ~~classification districts~~ shall apply within the PUD but may be ~~reduced-increased or decreased~~ due to individual site ~~limitations-characteristics~~ as determined by the ~~planning board~~Planning Board to promote the purposes set forth in section 60-359 of this chapter.
- (2) ~~The number of off-street parking spaces in each planned unit development may not be less than the requirements as stated in article V of this chapter except that the~~The planning boardPlanning Board may increase or decrease the required number of off-street parking spaces as stated in Article V of this chapter in consideration of the following factors:
 - a. ~~Probably~~The probable number of cars owned by occupants of dwellings in the planned unit development;
 - b. ~~The~~Parking needs of any ~~non~~dwellling-nonresidential uses;
 - c. Varying time periods of use, and whatever joint use of common parking areas is proposed.
- (3) Whenever the number of off-street parking spaces are is reduced because of the nature of the occupancy, the city shall obtain assurance that the nature of the occupancy will not change.
- (4) ~~In any~~A PUD involving residential uses ~~that receives a density bonus and has lot sizes that are reduced below the minimum required within the residential district,~~ shall reserve an amount of land equal to that ~~created through the reduction in required lot sizes,~~required by section 60-1367 to be held as open space for the mutual use of the residents of the PUD or open to the public. ~~This shall be accomplished by either~~Land reserved to satisfy the open space requirement shall be:

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- a. ~~The land shall be a~~Administered through a homeowner's association; or
 - b. ~~The land shall be d~~Dedicated to and accepted by the city for public ~~use.~~use; or
 - c. Land occupied by a major recreational use adjacent to a PUD-RR; or
 - d. Managed by a non-profit organization or land trust deemed capable of management by the Planning Board; or
 - e. A combination of a, b, c and/or d above.
- (5) All of the requirements of the city code of ordinances applicable to the zoning district not addressed in this division, shall apply.
- (6) Before granting approval of the final development plans, the city-Planning Board must ~~be satisfied~~find that said ~~plan-plan~~incorporates-addresses each of the following criteria or that one or more of the criteria are not applicable to the proposed development and/or that a practical substitute to one or more of the criteria has been achieved;~~or can demonstrate that:~~
- a. ~~One or more of the criteria are not applicable; or~~
 - b. ~~A practical substitute has been achieved for each of these elements consistent with the public interest:~~
 - 1. ~~There~~The proposed development has is an appropriate relationship to the surrounding area;
 - 2. Circulation, in terms of internal street circulation system, is designed for the type of traffic generated, safety, separation from living areas, convenience, access and control of noise and exhaust~~control~~. Proper circulation in parking areas is designed for safety, convenience, separation and screening~~;~~;
 - 3. ~~Functional-Adequate~~ open space has been provided~~in terms of~~with consideration given optimum preservation to preservation of natural features including trees and drainage areas, topographic features, recreation, and views~~,-density relief and convenience of functions;~~
 - 4. Privacy in terms of needs of individuals, families and neighbors;
 - 5. Pedestrian and bicycle traffic in terms of safety, separation, convenience and; access points ~~of destination and attractiveness;~~
 - 6. Building types in terms of appropriateness to density, site relationship and bulk;
 - 7. Building design in terms of orientation, spacing, ~~materials, color and texture~~character, storage, signs and lighting;
 - 8. Landscaping of total site in terms of purpose such as screening, ornamental types used, and materials uses, if any;
 - 9. ~~Maintenance, suitability and effect on the neighborhood;~~ Preservation of historically or architecturally significant buildings or places, if any;

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10. There is public sewer available to the lot or will be made available by the developer prior to certificates of occupancy being issued, except as allowed by Sec. 60-360(a) in the case of a PUD-RR.

11. That the proposal meets the requirements of Sec.60-1335, Special Exception of this Ordinance.

(Ord. of 3-16-2009, § 3.51(D); Ord. of 9-21-2009, § 3.51D)

Secs. 60-362—60-380. - Reserved.

Subdivision II. - Types

[Sec. 60-381. - Definitions.](#)

[Sec. 60-382. - PUDs established.](#)

[Sec. 60-383. - Zoning map indication.](#)

[Sec. 60-384. - Permitting.](#)

[Sec. 60-385. - Planned Unit Development-Residential \(PUD-R\).](#)

[Sec. 60-386. - ~~Planned Unit Development-Commercial \(PUD-C\).~~ Planned Unit Development: Recreation/Residential \(PUD-RR\)](#)

[Sec. 60-387. - Planned Unit Development-Commercial \(PUD-IC\).](#)

[Sec. 60-388. - Planned Unit Development-Industrial \(PUD-I\).](#)

[Secs. 60-389—60-417. - Reserved.](#)

Sec. 60-381. - Definitions.

The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Planned includes plans, plats or any combination thereof.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C)

Sec. 60-382. - PUDs established.

The following types of planned unit development may be established by special use approval in any existing zoning district as noted in this section. The options for use are as follows:

(1) PUD-R Planned Unit Development: Residential in LDCR, RR, SR, UR, MFS, MFU, GB and CB.

~~(2) PUD-C Planned Unit Development: Commercial in GB and CB.~~

~~(3) PUD-I Planned Unit Development: Industrial in ID.~~

(2) PUD-RR Planned Unit Development: Recreation/Residential in AG/RP, LDCR, RR, SR, UR, and GB.

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(3) PUD-C Planned Unit Development: Commercial in GB and CB.

(4) PUD-I Planned Unit Development: Industrial in ID.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C)

Sec. 60-383. - Zoning map indication.

The area included in each approved planned unit development shall be indicated on the zoning map as PUD-R or ~~C~~, PUD-RR or PUD-C or PUD -I.

(Ord. of 3-16-2009, § (3.51)(C); Ord. of 9-21-2009, § 3.51C)

Sec. 60-384. - Permitting.

Phased planned unit developments shall be permitted where any type of PUD is otherwise allowed by this chapter with an additional review by the director of planning and permitting prior to recording at the Androscoggin County Registry of Deeds. It is the intent of this phasing to allow coordinated long term planning of a large scale development without the disincentives of taxation and financing for phases that will not be constructed in the short term. The final development plan shall be kept on file in the planning and permitting office and the developer shall meet the requirements of section 60-420(c) prior to declaration and recording of a phase. The developer shall declare and record the approved phase plan within 30 days after a written approval is issued by the director. The recorded plan shall contain a note referencing this chapter. This division may be applied to existing PUDs if said plan was approved by the ~~planning board~~Planning Board as a phased development.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C)

Sec. 60-385. - Planned Unit Development-Residential (PUD-R).

It is the intent of this section that any residential property which is under single ownership and contains three acres or more area may be developed as PUD-R planned unit development: residential. Within the PUD-R the following uses and densities may be permitted subject to the approval of the ~~planning board~~Planning Board.

- (1) Uses permitted by right or permitted by special exception in the residential districts noted in ~~this section~~this section and the underlying zoning district.
- (2) Commercial uses may be permitted in the PUD-R district if the planned unit development contains 20 or more dwelling units. Such commercial ~~enters~~uses shall be subject to the following requirements:
 - a. Such ~~enters~~uses including parking shall be included as an integral part of the PUD and shall not occupy more than five percent of the total area of the PUD. Commercial uses in any development shall not be open to use prior to issuance of the certificates of occupancy for 50 percent of the dwelling units.
 - b. Except as stated in division 10 of article IV of this chapter all restrictions applicable to the NB district are applicable to the commercial center in the PUD-R district.

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- c. Such establishments shall be located, designed and operated primarily to serve the needs of the persons within the planned development. These buildings shall be architecturally compatible with the dwellings they serve using similar materials, geometry, topographic relationships, color and lighting to minimize its effect on the environment of existing or future residential uses adjacent to them.
- d. Sign.
1. Any part of the sign for a commercial use shall not project above the eaves or protrude from the face of the building more than 12 inches. A premise-commercial use shall have not more than one sign for every street frontage. ~~All Any~~ free standing signs may not exceed 20 feet in height and must have a minimum setback of 25 feet. Portable flashing and moving signs are not permitted. All emblems, shields or logos are considered part of the total allowable sign area.
 2. A Residential subdivision may have one sign for each newly created entry to the subdivision, not to exceed 40 square feet in size.
- (3) The total number of dwellings units permitted in the PUD-R district shall be determined by dividing the total project acreage (not including public rights-of-way) by the area required per unit in ~~that the~~ underlying zoning district or as approved by the city-Planning Board pursuant to ~~section 60-361(3)-the standards in the underlying zoning district~~.
- (4) If common open space remaining is offered to the city and is acceptable to the city, such dedication ~~shall~~ may not be considered as partial or total fulfillment of park and open space dedication.
- (5) Upon review of a PUD-R proposal, ~~if special circumstances exist in regard to land usability, topographical characteristics, or natural assets of the site to be preserved,~~ the city-Planning Board may authorize up to a 20 percent increase in density over ~~the~~ that otherwise allowed in the underlying district ~~requirement~~ if the following criteria are met:
- a. *Architecture*. Utilization of existing topography, recognition of the character of the area reflected in materials and layout.
 - b. *Siting*. Preservation of unique natural features, separation of pedestrian and vehicular circulation and integration of open space.
 - c. *Design*. A unified cohesive development, focal points ~~(cluster of seating, art forms, water feature)~~ for orientation and interaction, variety of scale.
 - d. *Landscaping*. The compatibility with natural landscape, the separation of individual units for privacy.
 - e. *Convenient*. A convenient well-defined access.
 - f. *Compatibility*. ~~The~~ Compatibility with ~~ultimate- the adopted comprehensive plan and/or plans approved by City boards and departments~~ for school service area and size of buildings, park system, police and fire protection standards and other facilities public or private.
- (6) All planned unit developments containing residential units shall comply with all city zoning and subdivision regulations.

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(Ord. of 3-16-2009, § 3.51(C)(2); Ord. of 9-21-2009, § 3.51C)

Sec. 60-386- Planned Unit Development: Recreation/Residential (PUD-RR)

The PUD-RR district is created to provide for the development of residential and commercial uses that are customary, complementary, and appropriate to major recreational uses on land located adjacent to them. Major recreation uses of land are designed for outdoor use of large land areas and have indoor facilities to accommodate groups of people. Major Recreation uses may be open year round or may operate seasonally and their economic viability and continued operation are recognized as assets to Auburn. Flexibility for the siting of homes, condominiums, hotels or motels and accessory uses that are of a scale that is compatible with the surrounding area will help support the economics of a major recreation use.

Any major recreation use containing one hundred (100) acres or more area may be developed as a Planned Unit Development: Recreation/Residential- PUD-RR. Within a PUD-RR the following uses and densities may be permitted subject to the approval of the Planning Board.

(1) Uses permitted by right or permitted by special exception in the underlying zoning district.

(2) Attached single-family dwellings with direct access to the outside at ground level may be permitted, provided that they are approved as part of a Planned Unit Development and as a Subdivision under Sec.60-359 and Sec. 60-1359 of this chapter.

(3) Hotels or motels adjacent to an existing major recreation use or a major recreation use if construction of the major recreational use is complete and open for use, provided that they are approved by the Planning Board as a Site Plan and as a Special Exception under Sec.60-1276 and Sec.60-1335 of this chapter. The size and scale of a hotel, motel, or accessory commercial uses shall be determined by the Planning Board at the time of PUD and/or Special Exception review. In making their determination, the Planning Board shall consider the appropriate relationship of the hotel, motel or accessory buildings and structures to the major recreation use and the surrounding neighborhood in terms of bulk, location or operation of proposed buildings and structures, traffic impact, access management, parking requirements, internal circulation, vehicular and pedestrian connections to adjacent property, external lighting, landscaping, signage using the standards of Sec.60-385(2)d as a guide, provisions for water and public sewer, and the preservation of scenic and natural beauty to the extent possible.

(4) Accessory commercial uses provided that they are approved as a Site Plan and as a Special Exception under Sec. 60-1276 and Sec. 60-1335. Building and structures shall be architecturally compatible using similar materials, topographic relationships, color and lighting, landscaping, and signage to minimize its effect on the environment of existing or future recreation and residential uses adjacent to it.

(5) The total number of dwelling units permitted in the PUD-RR district shall be determined by dividing the total project acreage including the major recreational use (not including public rights-of-way) by the area required per unit in that zoning district or as approved by the Planning Board pursuant to section 60-361(4). For the purpose of determining the number of dwelling units permitted on parcels located within more than one zoning district, the higher density district standard may be applied to the entire parcel and adjacent major recreational use in the case of a PUD-RR Planned Unit Development.

(6) The requirements of a Planned Unit Development, Sec. 60-361(4) and as a Subdivision, Sec.60-1367 to provide recreation and/or open space may be satisfied by the principal recreation, entertainment, and social uses of the adjacent major recreation use.

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(7) Access to the property shall be located on an arterial or collector street to minimize congestion or unsafe conditions and unreasonable deterioration of the local road system. Access to individual house lots shall be from an internal street system to retain the character of the area.

(8) The requirements of this chapter applicable to the underlying district or districts, not addressed in this section, shall apply.

Sec. 60-3876. - Planned Unit Development-Commercial (PUD-C).

The PUD-C district is created to provide for the development of planned business and shopping centers and mixtures thereof. It is intended to promote the grouping of professional offices and retail commercial uses and to provide areas of sufficient size to establish harmonious relationships between structures, people and vehicles through the use of well planned parking access, pedestrian walkways, courtyards, walls and other open spaces. This district should offer a wide variety of goods and services. Any commercially zoned area three acres or more in size may be developed as a PUD-C district. Uses permitted in the ~~commercial-zoning~~underlying zoning districts are permitted in the PUD-C district.

(Ord. of 3-16-2009, § 3.51(C)(3); Ord. of 9-21-2009, § 3.51C)

Sec. 60-3878. - Planned Unit Development-Industrial (PUD-I).

The PUD-I district is created to provide for the development of planned industrial areas. It is intended to promote the grouping of industrial uses and to group these uses in such a manner that they provide well planned parking and access, landscaped open areas and harmonious relationships between structures. Any industrial area over five acres may be developed as a PUD-I district. Uses permitted in the ~~industrial-underlying~~ zoning district are permitted in the PUD-I district.

Secs. 60-3898—60-417. - Reserved.

Subdivision III. - Application Procedure

[Sec. 60-418. - Compliance.](#)

[Sec. 60-419. - Submission and review.](#)

[Sec. 60-420. - Final development plan.](#)

[Secs. 60-421—60-438. - Reserved.](#)

Sec. 60-418. - Compliance.

All applicants for planned unit development shall comply with procedures set forth in this subdivision and in accordance with division 2 of article XVI of this chapter site plan review.

(Ord. of 3-16-2009, § 3.51(E)(intro. ¶); Ord. of 9-21-2009, § 3.51E)

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Sec. 60-419. - Submission and review.

- (a) An applicant shall make application for the approval of the planned unit development to the planning department. The applicant shall present his completed application and fee, in the amount provided in the city fee schedule, along with the development plan outline as specified in this division.
- (b) The development plan outline shall include both the site plan map and a written statement of procedures. The plan shall indicate sufficient areas surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining existing and proposed uses.
- (c) The site plan must contain the following information:
 - (1) All site plans shall conform to the provisions as contained in division 2 of article XVI of this chapter;
 - (2) The type and character of proposed development to include general architectural design, types of building materials to be used and, when appropriate, the proposed number of dwelling units per acre;
 - (3) The proposed location and size of public uses including schools, parks, playgrounds, swimming pools and other common open spaces.
- (d) The written statement to accompany the development plan outline map must contain the following information:
 - (1) A brief description of unique project design needs that make the planned unit approach advantageous to the city and developer;
 - (2) An anticipated schedule of development and a conceptual phase plan where the developer intends to phase the declaration of portions of the development;
 - (3) Proposed agreements, provisions or covenants which govern the use, maintenance and continued protection of the PUD and any of its common areas.
- (e) The number of copies of the written statement must be consistent with the provisions of section 60-1300
- (f) The applicant may be requested to submit any other information or exhibits deemed pertinent in evaluating the proposed planned unit development.

(Ord. of 3-16-2009, § 3.51(E)(1); Ord. of 9-21-2009, § 3.51E)

Sec. 60-420. - Final development plan.

- (a) The final development plan shall be submitted in accordance with section 60-419 of the municipal code relative to final plans.
- (b) The ~~planning board~~ **Planning Board** shall approve the final development plan if it is in substantial compliance with the approved preliminary development plan. The final development plan shall be recorded as if it were a final subdivision plan except in the case of a phased development which shall follow the standards of subsection (c) of this section.
- (c) For phased developments the final development plan shall be kept on file in the planning and permitting office. The developer shall provide a phase plan and letter of intent to declare a phase for review and approval

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by the director of planning and permitting prior to recording at the registry of deeds. The director shall consider the following standards before approving a phased plan for recording:

- (1) The remaining undeveloped land/phases shall be considered as one lot for frontage purposes. The phase plan shall provide the required frontage for the remaining land/phases.
 - (2) Common open space, roadway improvements and/or access to utilities may be completed without opening a phase provided that the director determines that the work is necessary or beneficial to an open phase of the development or to the city.
 - (3) The phased plan must be determined by the director of planning and permitting to be consistent with and progress towards completion of the long term final development plan.
- (d) From time to time the ~~planning board~~Planning Board shall compare the actual development accomplished in the planned unit development with the approved development schedule. If the owner of property in the PUD has failed to meet the approved development schedule without cause, the ~~planning board~~Planning Board may initiate proceedings. The ~~planning board~~Planning Board, for good cause shown by the property owner, may extend the limits of the development schedule.
- (e) The ~~planning board~~Planning Board may require adequate assurance in a form consistent in a form acceptable to the ~~planning board~~Planning Board, that the common open space shown in the final development plan shall be provided and developed.
- (f) Final development plan contents:
- (1) The final development plan shall contain the information ~~provided on~~ provided on the preliminary development plan ~~or any logical part thereof and any additional information requested by the Planning Board; and~~ must be submitted within one year following the approval of the preliminary development plan unless written request is made for an extension of up to one year and approved ~~d~~ by the ~~planning board~~Planning Board.
 - (2) The final development plan, with supplemental information in report form, shall be prepared in conformity with the provisions of section 60-419
 - (3) Copies of any special agreements, conveyances, deed restrictions, or covenants, which will govern the use, maintenance and continued protection of the planned unit development and any of its common area must accompany the final development plan.
 - (4) The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit development.
- (g) Control of planned unit development following completion.
- (1) The ~~planning board~~Planning Board shall review and take action on the competed final plan.
 - (2) After final approval has been granted the use of the land and the construction, modification or alteration of any building or structure within the planned development shall be governed by the approved final development plan rather than by any other provisions of this zoning chapter.
 - (3) After final approval, no changes may be made in the approved final development plan except upon application to the appropriate agency under the following procedures:

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- a. Any minor extension, alteration, or modification of existing buildings or structures may be authorized by the ~~planning board~~Planning Board if they are consistent with the purposes and intent of the final plan. No change authorized by this division may decrease or increase the dimension of any building or structure by more than ten percent.
- b. Any uses not authorized by the approved final plan, but allowable in the PUD as a permitted ~~principale~~principal, accessory, or special use under the provisions of the underlying zoning district in which the planned development is located may be authorized by the planning director and added to the final development plan provided that such an addition does not adversely impact the approved development plan.
- c. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan or amendments thereof approved under subsection (g)(3)a and b of this section.
- d. Changes in use of common open spaces may be authorized by an amendment to the final development plan under subsection (g)(3)a and b of this section.
- e. All other changes in the final development plan must be made by the ~~planning board~~Planning Board under the procedures authorized by this chapter. No changes may be made in the final development plan unless found to be required for:
 1. Continued successful functioning of the planned unit development;
 2. By changes in conditions that have occurred since the final plan was approved; or
 3. By changes in the development of the community.

No changes in the final development plan which are approved under this division are to be considered as a waiver of the provisions limiting the land use, buildings, structures, and improvements within the area of the planned unit development, and all rights to enforce these provisions against any changes permitted in this division are expressly reserved.

(Ord. of 3-16-2009, § 3.51(E)(2); Ord. of 9-21-2009, § 3.51E)

Secs. 60-421—60-438. - Reserved.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE I. – IN GENERAL

Sec. 60-2. - Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Dwelling ~~or *dwelling unit*~~ means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling, multifamily, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

Dwelling, one-family detached, means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. Each one-family detached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

Dwelling, one-family attached, means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. Each one-family attached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

Dwelling, seasonal, means a dwelling occupied for not more than six months of any year.

Dwelling, two-family, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used for or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Major Recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least 2 lifts and public and private golf courses with a minimum of 18 holes.

Open space, common means land within or related to a development which is not individually owned and is designed and intended for the common use or enjoyment of the residents of a development and may include such complementary structures and improvements as are necessary and appropriate.

Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, motorhome or recreational vehicle parks or commercial campgrounds and facilities for mass gatherings when used for two or more events during a calendar year.

(Ord. of 9-21-2009, § 2.2)

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Robert Stone, Ward Two
Andy Titus, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 09-08212017

BE IT ORDAINED, that the City Council hereby amends the Auburn Zoning Map from General Business (GB) to Traditional Downtown Center (T-5.1) for the following properties: 52 Hampshire St., (PID 249-211); 50 Hampshire St., (PID 240-210); 43 Union St., (PID 240-213); (39 Union St., (PID 240-214); 31 Library St., (PID 240-201); 29 Library St., (PID 240-202); Troy Street (PID 240-212); and 35 Union St. (PID 240-215).

Passage of first reading on 8/21/2017 6-0 (Councilor Pross absent). Passage of second reading on 9/11/2017 6-1 (Councilor Titus opposed).

James Pross, Ward One
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IN CITY COUNCIL

ORDINANCE 10-09112017

BE IT ORDAINED, that the City Council hereby adopts a zoning ordinance text amendment to Article IV District Regulations, Division 2. Agriculture and Resource Protection District, Section 6-145 Use Regulations, (b) Special Exceptions (16), to allow Kennels as a Special Exception in the Agricultural and Resource Protection Zone.

DIVISION 2. - AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. - Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. - Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, accessory to farming operations subject to the following restrictions:
 - a. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are substantially completed.
 - b. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
 - c. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or

reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.

- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
 - (3) Forest products raised for harvest.
 - (4) Field crop farms.
 - (5) Row crop farms.
 - (6) Orchard farms.
 - (7) Truck gardens.
 - (8) Plant and tree nurseries.
 - (9) Greenhouses.
 - (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
 - (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
 - (12) Wayside stands.
 - (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
- (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.
 - b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
 - c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
 - (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
 - (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
 - (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
 - (5) Recreational uses of land intended or designed for public use subject to the following conditions:

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
David C. Young, At Large

Jonathan P. LaBonte, Mayor

- a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
 - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
- (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
- a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
 - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
- (7) Rifle, pistol, skeet or trap shooting ranges, public or private.
- (8) Cemeteries, subject to the following conditions:
- a. At least 20 acres in area.
 - b. Not located in any environmental overlay district or over any known aquifer.
- (9) Municipal sanitary landfills, subject to the following conditions:
- a. Not located in any environmental overlay district or over any known aquifer.
 - b. Provisions shall be made to avoid surface water and groundwater pollution.
 - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
- (10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
- a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- (11) Wholesale nurseries, subject to the following conditions:
- a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
 - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

- (12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
- a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
 - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
 - c. An end-use plan must be filed as part of the planning board process.
- (13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
- a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the Watershed of Taylor Pond, the Shoreland Overlay District or the Floodplain Overlay District.
 - b. The proposed use shall not occupy more than 10,000 square feet of building area.
 - c. The number of employees shall be limited to not more than 15.
 - d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
 - e. Hours of operation shall limited to between 6 a.m. and 8 p.m.
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
- a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
 - b. Provisions shall be made to avoid surface and groundwater pollution.
 - c. Provisions shall be made to counteract vermin, insects and odors.
 - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
 - e. Shall not be located within the Lake Auburn Watershed Overlay District.

(16) Licensed kennels subject to the following conditions:

- a. Minimum lot size of the zoning district or three acres, whichever is greater.**
- b. Residential dwelling unit(s) shall not be allowed as an accessory to a kennel.**
- c. The licensed kennel operates for the purpose of overnight care or long-term care and not for daycare.**

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011)

Failed first reading on 9/11/2017 3-4 (Councilors Walker, Titus, Stone, and Burns opposed). Failed second reading on 9/18/2017 3-4 (Councilors Burns, Young, Pross, and Titus opposed).

James Pross, Ward One
Robert Stone, Ward Two
Andy Titus, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Grady R. Burns, At Large
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Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 11-10162017

Be it Ordained, that the City Council hereby amends Chapter 24, Article II, Division 1, Sec. 24-23 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits to incorporate the following maximum levels of assistance to be effective on and after October 1, 2017 through September 30, 2018, as follows:

Sec. 24-23. - Annual adjustment of maximum benefits.

- (a) Each year the Maine Municipal Association provides for the city ~~three~~ appendices providing maximum benefits applicable for the period beginning October 1 and ending September 30 as mandated by state law and based on certain federal values effective on October 1 of each year, as follows:
- (1) Appendix A, a listing of overall maximum levels of general assistance relating to all Maine municipalities.
 - (2) Appendix B, a listing of maximum levels of assistance for food.
 - (3) Appendix C, a listing of maximum levels for heated and unheated housing.
 - (4) Appendix D, a listing of maximum levels for households with electrically heated hot water.
- (b) The portion of these annual appendices applicable to the city, as adopted each year by the city council, are made a part of this chapter as though fully set forth herein and a copy thereof is available in the office of the city clerk.

Editor's note— The appendices referred to in this section are not codified but are available in the office of the city clerk.

James Pross, Ward One
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Appendix A – GA Overall Maximums
 Effective 10/1/2017 – 9/30/2018

TOTAL NUMBER IN HOUSEHOLD:	1	2	3	4	5
Lewiston/Auburn MSA: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	641	726	915	1,169	1,397

Add \$75.00 for each additional person

Appendix B – Food Maximums
 Effective 10/1/2017 – 9/30/2018

Please Note: The maximum amounts allowed for food are established in accordance with the U.S.D.A. Thrifty Food Plan. As of October 1, 2017, those amounts are:

Number in Household	Weekly Maximum	Monthly Maximum
1	44.65	192
2	81.86	352
3	117.21	504
4	148.84	640
5	176.74	760
6	212.33	913
7	234.65	1,009
8	268.14	1,153

****Note: For each additional person, add \$144 per month.**

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Appendix C – Rental Maximums
 Effective 10/1/2017 – 9/30/2018

<u>Lewiston/Auburn MSA</u>	<u>Unheated</u>		<u>Heated</u>	
	<u>Weekly</u>	<u>Monthly</u>	<u>Weekly</u>	<u>Monthly</u>
Bedrooms				
0	112	483	135	581
1	125	538	153	659
2	165	711	195	838
3	208	896	251	1,079
4	249	1,071	301	1,294

Appendix D – Utilities / Electric
 Effective 10/1/2017 - 9/30/2018

Electricity Maximums for Households With Electrically Heated Hot Water: The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses **excluding** heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$20.65	\$89.00
2	\$23.75	\$102.00
3	\$27.70	\$119.00
4	\$32.25	\$139.00
5	\$38.75	\$167.00
6	\$41.00	\$176.00

NOTE: For each additional person add \$10.00 per month.

NOTE: For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

Passage of first reading on 10/16/2017 7-0.
 Passage of second reading on 11/6/2017 6-0 (Councilor Stone absent).

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IN CITY COUNCIL

ORDINANCE 12-10162017

Be it Ordained, that the City Council hereby amends Chapter 24, Article II, Division 1, Sec. 24-21 (d); *and* Chapter 24, Article II, Division 4, Sub division II, Sec. 24-161 (8)(h) of the General Assistance Ordinance to incorporate the following changes to be effective on and after November 1, 2017:

Chapter 24, Article II, Division 1, Sec. 24-21 (d) *Information from other sources*

(d) *Information from other sources.* Information furnished to the city by the state department of human services or any other agency or institution pursuant to 22 M.R.S.A. § 4314, ~~concerning recipients of categorical assistance~~, is confidential. The general assistance administrator will also comply with laws relating to the confidentiality of vital statistic records such as those concerning birth, marriage and death. (22 M.R.S.A. § 2706). Any representative of a financial institution or any employer of a general assistance applicant who, upon receipt of a written release signed by the depositor and a written request from the Administrator, refuses to provide necessary information to the administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal. Effective November 1, 2017: national banks are also obligated to disclose deposit information to the Administrator upon receipt of a written request and release signed by the depositor. Additionally, effective November 1, 2017, when a municipality or its agents are acting in accordance with section 4313(2) to verify eligibility for funeral or cremation benefits, an officer of a financial institution must disclose the amount deposited upon receipt of a written request from the municipality or its agents and a notarized affidavit signed by the overseer of the municipality or its agents stating that the named depositor is deceased. Any such person who refuses to provide information, without just cause, may be subject to a civil penalty of not less than \$25 nor more than \$100. Any person, including the applicant, who knowingly and willfully makes a false representation of a material fact to the administrator is committing a Class E crime (22 M.R.S.A. § § 4314, 4315).

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Chapter 24, Article II, Division 4, Sub division II, Sec. 24-161 (8)(h) *Determination of family members' ability to pay*

(h) *Determination of family members' ability to pay*

Any person who refuses to provide necessary information to the administrator in order to verify an applicant's eligibility must state in writing the reason for the refusal.

Grandparents, parents, children and grandchildren of the deceased ~~who live in the state or own property in state~~ whether or not living in or owning property in Maine, and the spouse or registered domestic partner of the deceased, are financially responsible for the burial or cremation of the deceased to the extent those relatives, individually or as a group, have a financial capacity to pay for the burial or cremation either in a lump sum or by means of a budgeted payment arrangement with the funeral home. Accordingly, at the request of the administrator, all legally liable relatives must provide the city administrator with any reasonably requested information regarding their income, assets and basic living expenses. The Administrator may also seek information from financial institutions holding assets of the deceased. Effective November 1, 2017, Maine law requires a financial institution to disclose the amount deposited in the corporation or association when the municipality or its agents are acting in accordance with section 4313 (2) and provide a written request and a notarized affidavit signed by the overseer of the municipality or its agents stating that the named depositor is deceased.

Passage of first reading on 10/16/2017 7-0.

Passage of second reading on 11/6/2017 6-0 (Councilor Stone absent).

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IN CITY COUNCIL

ORDINANCE 13-11062017

Be it Ordained, that the City Council hereby approve first reading of and amendment to Chapter 60, Sec.60-2 Definitions to read as follows:

Livestock means, ~~domestic animals kept, used or raised on a farm for the production of income. but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep, or swine.~~

Farm, ~~animal livestock~~, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, ~~donkeys, cattle cows~~, goats, sheep, ~~swine hogs~~ and similar sized animals for the ~~agricultural domestic~~ use of the residents of the lot, ~~provided that there is a minimum of 1 acre of land as required by Chapter 8 Animals and provided that~~ adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

(1)

Cattle: One bovine animal unit per acre of cleared hay-pasture land.

(2)

Horse: 1.5 animal units per acre of cleared hay/pasture land.

(3)

Sheep: Three animal units per acre of cleared hay/pasture land.

(4)

Swine: Two animal units per acre of cleared land.

(5)

Other ~~livestock animal~~ farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

Passage of first reading on 11/6/2017 6-0 (Councilor Stone absent).
Passage of second reading on 11/20/2017 6-0 (Councilor Burns absent).