



City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED by the Auburn City Council, that Chapter 60, Zoning, of the Code of Ordinances be amended as follows:

Chapter 60 ZONING

• • •

ARTICLE XVI. ADMINISTRATION AND ENFORCEMENT

• • •

DIVISION 5. APPEALS AND APPLICABILITY

• • •

Sec. 60-1382. Applicability.

The provisions of this article shall apply to any development subject to review under division 2 of article XVI of this chapter, the construction of which has not been commenced on the date on which they become effective.

(Ord. of 9-21-2009, § 7.4B)

Sec. 60-1383. Effective Date and Applicability Date of Ordinance #26-11202023.

The zoning map amendment to this chapter evidenced by Ordinance #26-11202023 relating to the rezoning of approximately 60 acres in parts of City Assessor’s Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district became effective on December 9, 2023 pursuant to Section 2.6(C) of the City Charter. In order to allow time for residents and property owners to become familiar with this zoning map amendment and for the City Council to further study and determine whether any additional amendments to this chapter related thereto are necessary or desirable, Ordinance #26-11202023 shall not become applicable until July 1, 2024.

Secs. 60-138~~43~~—60-1400. Reserved.

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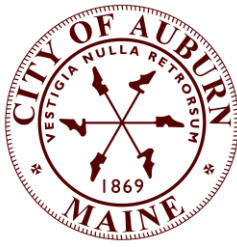
Passage of first reading on 1/2/2024 6-0 (Councilor Milks absent).

Failed second reading on 3/18/2024 3-4 (Councilors Milks, Weisner, Walker, and Gerry opposed).

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



City Council Ordinance

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Chapter 60 ZONING

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ARTICLE XVI. ADMINISTRATION AND ENFORCEMENT

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DIVISION 5. APPEALS AND APPLICABILITY

• • •

Sec. 60-1382. Applicability.

The provisions of this article shall apply to any development subject to review under division 2 of article XVI of this chapter, the construction of which has not been commenced on the date on which they become effective.

(Ord. of 9-21-2009, § 7.4B)

Sec. 60-1384. Effective Date and Applicability Date of Ordinance #28-11202023.

The zoning text amendment to this chapter evidenced by Ordinance #28-11202023 relating to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to agricultural farms, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements became effective on December 9, 2023 pursuant to Section 2.6(C) of the City Charter. In order to allow time for residents and property owners to become familiar with this zoning text amendment and for the City Council to further study and determine whether any additional amendments to this chapter related thereto are necessary or desirable, Ordinance #28-11202023 shall not become applicable until July 1, 2024.

Secs. 60-138~~5~~3—60-1400. Reserved.

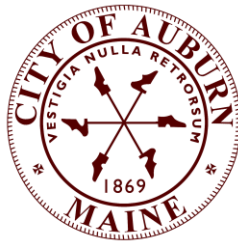
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Failed. This item was tabled on 1/2/2024 with no motion to take off the table to take this item up again.

Richard S. Whiting, Ward One
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Phillip L. Crowell, Jr., City Manager



City Council Order

IN CITY COUNCIL

AMENDING ARTICLE V, DIVISION 2, SECTIONS 2-430, 2-431, 2-433, 2-434, 2-435, AND 2-441 OF THE AUBURN CODE OF ORDINANCES STRIKING ALL LANGUAGE REFERENCING THE REGISTRATION BOARD OF APPEALS.

Be it Ordained, that the City Council hereby amends the code of ordinances Article V, Division 2, Sections 2-430, 2-431, 2-433, 2-434, 2-435, and 2-441 of the Auburn Code of Ordinances striking all language referencing the registration board of appeals as seen below.

Sec. 2-430. Membership; responsibility.

~~A board of regulatory advisory shall be appointed by the city council, consisting of seven members.~~

~~The purpose of the regulatory advisory board is to perform the responsibilities of the board of assessment review, board of appeals, and all other regulatory review functions as directed by the city council. The board shall develop such rules to govern its meetings (to include meetings dates and times) and operations as it deems advisable.~~

~~Persons appointed by the city council to serve on other boards, agencies, panels, and or commissions shall not serve concurrently on the regulatory advisory board.~~

(Code 1967, § 5-2.1; Ord. No. 04-02162021, 3-1-2021; Ord. No. 02-01032022, 1-18-2022)

Editor's note(s)—Ord. No. 04-02162021, adopted March 1, 2021 changed the title of § 2-430 from "membership; compensation of members" to "membership; responsibility."

Sec. 2-431. Term of members.

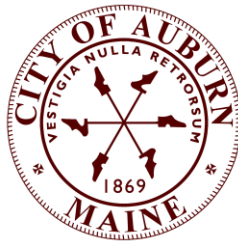
~~The initial terms of office of the members of the regulatory advisory board shall be staggered terms. The city council shall annually appoint one member to serve on the board for a three year term. Their successors shall be appointed for three year terms.~~

(Code 1967, § 5-2.2; Ord. No. 05-02162021, 3-1-2021)

Sec. 2-433. Quorum.

~~The regulatory board shall take no official action unless at least three members are present; provided, however, that a lesser number may adjourn the proceedings to a later time. When a regular member of the board is unable to participate in an appeal, the chair shall designate one of the alternate members to replace him.~~

(Code 1967, § 5-2.4; Ord. No. 07-02162021, 3-1-2021)



City Council Order

Sec. 2-434. Rules and regulations for conduct of hearings.

~~The regulatory board may establish such rules and regulations governing the conduct of hearings before it as it may deem necessary consistent with this Code and with state law.~~

~~(Code 1967, § 5-2.5; Ord. No. 08-02162021, 3-1-2021)~~

Sec. 2-435. Legal counsel.

~~The regulatory board may have legal counsel present during any appeal hearing to advise on points of law and to assist the board in drafting its final decision.~~

~~(Code 1967, § 5-2.6; Ord. No. 09-02162021, 3-1-2021)~~

~~Sec. 2-441. Compensation of the regulatory board.~~

~~All members of the regulatory board shall receive annually \$600.00, payable quarterly.~~

~~(Ord. No. 41-11152021, 12-6-2021)~~

Passage of first reading on 1/16/2024 6-0-1 (Councilor Milks abstained).
Passage of second reading on 2/5/2024 7-0.

Richard S. Whiting, Ward One
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City Council Order

IN CITY COUNCIL

AMENDING THE AUBURN CODE OF ORDINANCES, ARTICLE V, DIVISION 2, SEC. 2-430, 2-431, 2-432, 2-433, 2-434, 2-438, 2-441 TO REINSTATE THE BOARD OF ASSESSMENT REVIEW

BE IT ORDAINED, that the City Council hereby amends the Auburn Code of Ordinances, Article V, Division 2, sec. 2-430, 2-431, 2-432, 2-433, 2-434, 2-438, 2-441 to reinstate the Board of Assessment Review

DIVISION 2. - BOARD OF ASSESSMENT REVIEW

State Law reference— Board of assessment review, 36 M.R.S § 471-A and § 844-N.

Sec. 2-430. - Membership; responsibility.

A board of assessment review (the Board) shall be appointed by the city council, consisting of five regular members and three alternate members, to serve without compensation.

The purpose of the board of assessment review is to hear property tax appeals pursuant to Maine Statute. The Board shall develop such rules to govern its meetings (to include meetings dates and times) and operations as it deems advisable.

Sec. 2-431. - Term of members.

The initial terms of office of the members of the board of assessment review shall be staggered terms. The city council shall annually appoint members to serve on the board for three-year terms. Their successors shall be appointed for three-year terms.

Sec. 2-432. - Assessment review appeals procedure.

When written application is made by a taxpayer for a review of a refusal by the tax assessor to grant a request for an abatement, the board of assessment review shall, within 14 days of the receipt of such request, set a date for hearing, of which the applicant shall receive at least seven days' written notice. In its conduct of the hearing the Board shall act as an impartial panel to receive evidence from the appellant and the assessor, advocating for neither party in rendering a decision. The Board shall conform that decision to all applicable statutes. At such hearing the applicant shall have the right to be heard in person, to present witnesses, to examine the tax assessor and any witnesses presented on behalf of the Assessing Department, and to be represented by counsel. Upon the evidence presented, the Board shall determine whether the applicant has met their burden of proof and may grant such reasonable abatement of their assessment as it determines to be proper.

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City Council Order

The board of assessment review must provide written notice of the decision on an appeal within 60 days of receiving the appeal unless the taxpayer agrees to an extension of the decision deadline.

Sec. 2-433. - Quorum.

The board of assessment review shall take no official action unless at least three members are present; provided, however, that a lesser number may adjourn the proceedings to a later time. When a regular member of the board is unable to participate in an appeal, the chair shall designate one of the alternate members to serve in place of any absent member.

Sec. 2-434. - Rules and regulations for conduct of hearings.

The board of assessment review may establish such rules and regulations governing the conduct of hearings before it as it may deem necessary consistent with this Code and with state law.

Sec. 2-435. - Legal counsel.

The board of assessment review may have legal counsel present during any appeal hearing to advise on points of law and to assist the board in drafting its final decision.
(other sections edited)

Passage of first reading on 1/16/2024 6-0-1 (Councilor Milks abstained).
Passage of second reading on 2/5/2024 7-0.

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Ordinance 05-01162024

City Council Order

IN CITY COUNCIL

Amending Chapter 60, Article XV reinstating the Zoning Board of Appeals ordinance

Be it ordained, that the City Council hereby amends Chapter 60, Article XV by reinstating the Zoning Board of Appeals ordinance (attached).

Passage of first reading on 1/16/2024 6-0-1 (Councilor Milks abstained).

Passage of second reading on 3/04/2024 6-0 (Councilor Milks absent).

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ARTICLE XV. - BOARD OF APPEALS

DIVISION 1. - GENERALLY
DIVISION 2. - ORGANIZATION
DIVISION 3. - APPEALS PROCEDURE
DIVISION 4. - POWERS AND DUTIES
DIVISION 5. - JUDICIAL APPEAL
DIVISION 6. - SPECIAL APPEAL

DIVISION 1. - GENERALLY

[Secs. 60-1116—60-1129. - Reserved.](#)

Secs. 60-1116—60-1129. - Reserved.

DIVISION 2. - ORGANIZATION

[Sec. 60-1130. - Membership.](#)
[Sec. 60-1131. - Term of office.](#)
[Sec. 60-1132. - Associate members.](#)
[Sec. 60-1133. - Jurisdiction.](#)
[Sec. 60-1134. - Board rules.](#)
[Sec. 60-1135. - Quorum.](#)
[Secs. 60-1136—60-1150. - Reserved.](#)

Sec. 60-1130. - Membership.

There shall be a board of appeals consisting of up to seven members and two associate members appointed by the city council. Each member shall be at all times a resident of the city.

(Ord. of 9-21-2009, § 6.1A)

Sec. 60-1131. - Term of office.

The members and associate members of the board shall serve ~~no more than three consecutive~~ three-year terms.

(Ord. of 9-21-2009, § 6.1B)

Sec. 60-1132. - Associate members.

An associate member shall have a vote only in the event that one or more regular members of the board are absent or are disqualified from serving on a particular matter because of a conflict of interest.

(Ord. of 9-21-2009, § 6.1C)

Sec. 60-1133. - Jurisdiction.

The board of appeals shall have jurisdiction over:

- (1) Interpretation of provisions of the zoning chapter called into question;
- (2) Administrative appeals from decisions or lack thereof of the building inspector or code enforcement officer in regard to an application for a permit under the zoning chapter;
- (3) The granting of variances from the requirements of the zoning chapter would cause undue hardship.

(Ord. of 9-21-2009, § 6.1D)

Sec. 60-1134. - Board rules.

The board shall adopt, and may from time to time amend, rules and regulations to govern the conduct of its business. The tape recording of the board's proceedings, the transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusion and the appropriate order, relief or denial thereof.

(Ord. of 9-21-2009, § 6.1E)

Sec. 60-1135. - Quorum.

~~Five~~ A majority of appointed members (**minimum of 3**) shall constitute a quorum at any meeting.

(Ord. of 9-21-2009, § 6.1F)

Secs. 60-1136—60-1150. - Reserved.

DIVISION 3. - APPEALS PROCEDURE

[Sec. 60-1151. - Petition.](#)

[Sec. 60-1152. - Public hearing.](#)

[Sec. 60-1153. - Decision.](#)

[Secs. 60-1154—60-1184. - Reserved.](#)

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE XV. - BOARD OF APPEALS
DIVISION 6. - SPECIAL APPEAL

Sec. 60-1151. - Petition.

Written petitions for appeal signed by any party in interest shall be filed in duplicate in the office of the municipal officer charged with enforcement of the zoning ordinance, together with the fee in the amount provided in the city fee schedule, within 30 days from the date of the decision or order. The municipal officer shall forward to the board of appeals, planning director, the chairman of the planning board and the city solicitor, one copy of such petition. The planning director, or in his absence, the chairman of the planning board, shall forward to the board of appeals as soon as possible any pertinent city planning information in his possession bearing on such appeal. The city solicitor shall forward to the board of appeals as soon as possible any pertinent legal information bearing on such appeal. Where no such information is received by the board of appeals by the time of the meeting at which such appeal is scheduled to be heard, it shall be presumed that none was available at that time. In any case in which such planning and legal information is received, it shall be summarized at the public hearing and an opportunity afforded for comment by those interested in the appeal.

(Ord. of 9-21-2009, § 6.2A)

Sec. 60-1152. - Public hearing.

(a) On each such petition, the board shall hold a public hearing, within 65 days of the filing of the appeal petition. Notice of the time, date, place, appellant name and subject of each such hearing shall be given by publication in a newspaper of general circulation in the city on two separate dates not more than 12 nor less than three days before the date of such hearing. Notification of the public hearing shall also be sent to the appellant, the planning director, the building inspector, the city manager and all owners of abutting property and property located directly across the street from the site of the property which is the subject of the appeal by mailing to them copies of such notice as published. Notices shall be mailed to such property owners at the addresses appearing for them in the then current property tax listing of the city. Failure of any property owner to receive such mail notice of any such public hearing shall not necessitate another hearing and shall not constitute grounds for objection by such property owner and shall not invalidate any action by the board of appeals on such appeal or application for variance.

(b) The chairman, or in his absence the acting chairman, shall preside at the public hearing. All hearings of the board of appeals shall be open to the public.

(c) The chairman shall open the hearing and determine whether a quorum of the board of appeals is present. For each appeal heard, the chairman shall summarize the nature of the appeal, identify all relevant information submitted, determine the board's jurisdiction and the appellant's standing, determine the parties to the action and proceed to accept oral and written testimony from the appellant and the public for and against the appeal. When all parties have been heard, the chairman shall close the hearing or, if additional time is needed, continue it to a later date.

(d) The chairman shall determine that the appellant has standing, that is, the right to appear as an appellant before the board. An appellant must hold title to the land, be part owner or have an option to buy or lease property and/or building, in order to have standing.

(e) The chairman shall determine the parties to the action. The appellant, municipal officers, planning board, abutting property owners, individuals who might be adversely affected by any decision and any member of the general public attending the meeting who has made specific statements concerning terms of the appeal, may be made party to the action.

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(Ord. of 9-21-2009, § 6.2B)

Sec. 60-1153. - Decision.

(a) The decision of the board shall be made as soon as possible, but not later than 30 days of the public hearing, unless extended by mutual agreement of the board and appellant. Failure of the board to act within 30 days shall be deemed to be the denial of the petition sought, subject to judicial appeal.

(b) The board of appeals may by an affirmative vote of a majority of those members present amend or revise a decision of the building inspector, code enforcement officer or of any other municipal officer acting under the zoning ordinance. The board of appeals may permit variances from literal application of the zoning ordinance in accordance with the principles, conditions and procedures set forth in this chapter, subject to the duty of the board to promote the public health, safety, convenience and welfare and to adhere to the central intents and purposes of this chapter. Approval may be subject to conditions, modifications and restrictions as the board of appeals may deem necessary.

(c) The board shall keep a record of each appeal entertained, noting the date when received from the building inspector or code enforcement officer, the date of hearing, the applicant or appellant and the date of the decision. The board shall record by resolution the final disposition of every appeal. All of the foregoing shall be public records filed with the office charged with enforcement of the zoning ordinance. Notice of the decision shall be mailed within seven days to the applicant or appellant. Each notice shall specify that judicial appeals shall be made pursuant to the terms of section 60-1208

(d) The right to proceed under any variance or petition granted under the terms of this chapter, voted by the board of appeals, or under change in a decision of the building inspector, code enforcement officer or other municipal official voted by the board of appeals, shall expire if such right be not exercised beginning within six months from the date of such vote. If such right is not exercised within six months of the date of the vote, the board may grant a six-month extension without having to make another finding of hardship provided that:

- (1) Conditions upon which the appeal was granted have not changed; and
- (2) The appellant can show just cause for the delay in beginning the project.

(Ord. of 9-21-2009, § 6.2C)

Secs. 60-1154—60-1184. - Reserved.

DIVISION 4. - POWERS AND DUTIES

- [Sec. 60-1185. - Interpretation.](#)
- [Sec. 60-1186. - Administrative appeals.](#)
- [Sec. 60-1187. - Variance.](#)
- [Secs. 60-1188—60-1207. - Reserved.](#)

Sec. 60-1185. - Interpretation.

(a) Except as otherwise provided in this chapter, the board of appeals shall interpret provisions of the zoning ordinance which are called into question. Only persons with standing may appeal the denial of a permit which was based on provisions of the zoning ordinance.

(b) Where there is no evidence to the contrary, zoning ordinance language should be given its ordinary meaning. Statements of purpose may provide a key to the intent of zoning provision. In interpreting the ordinance, the board may request the advice of the city solicitor, the planning director or qualified experts in zoning law.

(Ord. of 9-21-2009, § 6.3A)

Sec. 60-1186. - Administrative appeals.

(a) The board of appeals may hear appeals in the administration of the zoning chapter in order to determine if the building inspector or code enforcement officer erred in granting or denying a permit. An applicant who is given no decision on a permit request, or who is denied a permit may appeal.

(b) If the board of appeals finds that the building inspector or code enforcement officer acted in error, it should order the error to be corrected.

(Ord. of 9-21-2009, § 6.3B)

Sec. 60-1187. - Variance.

(a) The board of appeals may grant a variance from the dimensional regulations and supplementary district regulations contained in the zoning chapter where the strict application of the ordinance, or a provision thereof, to the petitioner or property would cause undue hardship based on:

- (1) The land in question cannot yield a reasonable return unless the variance is granted;
- (2) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- (3) The granting of a variance will not alter the essential character of the locality; and
- (4) The hardship is not the result of action taken by the appellant or a prior owner.

Variances granted under this subsection (a) shall be the minimum necessary to relieve hardship. The burden of proof is on the applicant to prove undue hardship.

(b) The board of appeals may grant a variance for the expansion, extension or enlargement of nonconforming buildings or uses provided that:

- (1) The use being requested shall be approved by a majority of those members present (not less than a quorum being present).
- (2) The board of appeals shall make findings that the requirements of subsection (a) of this section have been met.

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(c) In addition to the criteria in this section, in determining whether or not to grant a variance, the board shall also take into consideration the following:

- (1) Fire, electrical and police safety requirements;
- (2) The adequacy of the traffic circulation system in the immediate vicinity;
- (3) The availability of an adequate water supply;
- (4) The availability of adequate sewerage facilities;
- (5) Would not violate the environmental standards or criteria contained in the Overlay Zoning Districts;
- (6) Would not adversely affect property adjoining the premises under appeal or nearby in the same neighborhood or in the same zoning district;
- (7) Would not endanger the public health, safety or convenience; and
- (8) Would not impair the integrity of the zoning chapter.

(d) Wherever necessary to meet the criteria or consideration listed in this division, the board, when granting a variance, may attach such conditions or restrictions as are in accordance with the objectives and purposes of this zoning chapter.

(e) The planning director, or his representative, shall be responsible for reviewing the records of hearings of the board of appeals. Such review shall be conducted on a monthly basis and shall be for the purpose of maintaining the zoning ordinance. The ordinance may be deemed to be in need of amendment when variances for identical purposes or reasons are applied for in a single zoning district or regarding a specific section of this chapter on three or more occasions within a given calendar year. In any case in which the zoning ordinances are deemed to be in need of amendment, the planning director or his representative shall prepare a report indicating whether the variances applied for suggest that the ordinance or the description of the zoning districts should be amended. Such reports shall be forwarded to the planning board for its review and recommendation.

(Ord. of 9-21-2009, § 6.3C)

Secs. 60-1188—60-1207. - Reserved.

DIVISION 5. - JUDICIAL APPEAL

[Sec. 60-1208. - Superior court.](#)

[Secs. 60-1209—60-1234. - Reserved.](#)

Sec. 60-1208. - Superior court.

Appeals from decisions of the city planning board or of the city zoning board of appeals or on account of the failure of any municipal official or board to comply with the order of the board of appeals shall be taken to the

PART II - CODE OF ORDINANCES
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superior court within 30 days of such decision or action in accordance with Rule 80B of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 2691(3). Except as otherwise provided by statute, every person shall have the right to inspect and copy any record of the board's proceedings, provided that, the inspection be scheduled to occur during regular hours and at such a time as will not inconvenience the regular activities of the office having custody of the record and provided further that the cost of copying the recorded or, if necessary, the translation of mechanical or electronic data compilations into some other form, shall be paid by the person requesting the copy.

(Ord. of 9-21-2009, § 6.4)

Secs. 60-1209—60-1234. - Reserved.

DIVISION 6. - SPECIAL APPEAL

[Sec. 60-1235. - Floodplain district variances.](#)

[Sec. 60-1236. - Shoreland zone variance.](#)

[Sec. 60-1237. - Lake Auburn Watershed zone variance.](#)

[Secs. 60-1238—60-1255. - Reserved.](#)

Sec. 60-1235. - Floodplain district variances.

The board of appeals may grant a variance from strict compliance with requirements of division 2 of article XII of this chapter after public notice and public hearing as provided in this article, provided the following conditions are met:

- (1) The applicant can show that a failure to grant a variance would result in undue hardship as defined in 30-A M.R.S.A. § 4353.
- (2) A determination made by the board with a certification from a registered professional engineer provided by the applicant, if need be, that the granting of the variance will not result in increased flood heights. The professional engineer shall include the following information within their certification: criteria on which the certification was based; any assumptions that were made; source of data for those assumptions; and references to the research material that was relied upon in making the certification. In addition, the board shall determine as a condition for the granting of the variance that it will not result in threats to public safety, extraordinary public expense, create a nuisances, causes fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (3) A determination by the board that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) The applicant shall be notified in writing that the issuance of a variance to building a structure below the base flood level will result in increased premium rates for flood insurance and such construction below the base flood level increases risks to life and property.

(Ord. of 9-21-2009, § 6.5A)

Sec. 60-1236. - Shoreland zone variance.

When by reasons of extraordinary physical conditions peculiar to the land or building under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by reason of the literal application and rigorous enforcement of the terms of this chapter), the board of zoning appeals may grant a variance from strict compliance with the requirements of division 2 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the adjacent water body. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5B)

Sec. 60-1237. - Lake Auburn Watershed Overlay District variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewater disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburn Water District with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn Water District that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

Secs. 60-1238—60-1255. - Reserved.



City Council Order

IN CITY COUNCIL

Amending Chapter 2, Article V, Division 4, Sec. 2-433 (a) of the Auburn Code of Ordinances striking the language regarding compensation

Be it ordained, that the City Council hereby amends Chapter 2, Article V, Division 4, Sec. 2-433 (a) of the Auburn Code of Ordinances striking the language regarding compensation as shown below.

Sec. 2-466. Membership: appointment, removal, terms, vacancies.

- (a) There shall be a planning board of seven regular and two associate members. Members of the planning board shall be residents of the city. Persons appointed by the city council to serve on other boards, agencies, panels, and or commissions shall not serve concurrently on the planning board. ~~Members shall serve without compensation.~~
- (b) Regular members of the planning board shall be appointed by the city council for terms of three years. Such terms shall be staggered so that the term of not more than three members shall expire in any calendar year. Incumbent members of the planning board shall serve for the balance of their terms and thereafter until their successors are appointed.
- (c) The city council shall appoint two associate members for a term of three years each. Such terms shall be staggered so that the terms of not more than one associate member, expires in any calendar year. Associate members may participate in deliberations of the planning board but shall not vote unless temporarily acting on behalf of a regular member who is absent or has been recused.
- (d) Permanent vacancies on the planning board shall be filled by the city council for the unexpired term of the former member.
- (e) Any member of the planning board may be removed for cause by the city council at any time; provided, however, that before removal such members shall be given an opportunity to be heard in his own defense at a public hearing before the city council.
- (f) The planning board may appoint a high school student advisory representative who is a high school student residing in Auburn for a one year term. The student advisory representative may participate in deliberations of the planning board but shall not be entitled to vote.
- (g) All members of the planning board, regular and associate, shall receive annually \$1,200.00, payable quarterly, with an effective date of January 1, 2022.

Passage of first reading on 1/2/2024 7-0.

Passage of second reading on 2/5/2024 7-0.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



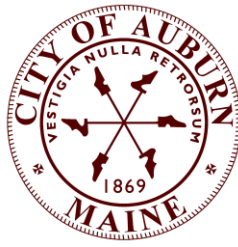
Ordinance 06-01162024

City Council Order

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City Council Ordinance

IN CITY COUNCIL

BE IT ORDAINED by the Auburn City Council that Chapter 1, General Provisions, of the Code of Ordinances be amended as follows:

Chapter 1 GENERAL PROVISIONS

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code, and of all ordinances, the rules and definitions set out in this section shall be observed, unless such construction would be inconsistent with the manifest intent of the city council. The rules of construction and definitions set out in this section shall not be applied to any section of this Code which shall contain any express provision excluding such construction, or where the subject matter or context of such section may be repugnant thereto.

Fee schedule or schedule of fees and charges. The term "fee schedule" or "schedule of fees and charges" means the official consolidated list maintained in the city clerk's office that lists rates for utility or other public enterprises, fees of any nature, deposit amounts and various charges as determined from time to time by the city council [by council order](#).

Sec. 1-10. Form of Code; repository; maintenance; [fee schedule](#).

A copy of this Code shall be kept on file in the office of the city clerk, preserved in looseleaf form, or in such other form as the clerk may consider most expedient. It shall be the express duty of the clerk or his designee to insert in their designated places all resolutions, general resolutions and ordinances that indicate the intention of the city council to make the same a part of this Code, when the same have been printed or reprinted in page form, and to extract from this Code all provisions that may be from time to time repealed by the city council. A copy of this Code shall be available in the office of the city clerk for examination by all persons.

[A copy of the fee schedule, as established and amended by council order, shall be kept on file in the office of the city clerk and may be appended to the Code for ease of reference, but the fee schedule is not itself an ordinance.](#)

Passage of first reading on 3/4/2024 6-0 (Councilor Milks absent).

Passage of second reading on 3/18/2024 6-0 (Councilor Platz absent).

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Ordinance 08-02052024

City Council Ordinance

IN CITY COUNCIL

TITLE: Planning Board-Initiated Zoning Map Amendment Near Riverside Drive

BE IT ORDAINED, that the City Council hereby approves the amendment of Chapter 60, Zoning, of the Code of Ordinances as follows:

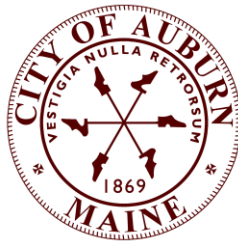
Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to amend City Assessor’s Parcel I.D.s 174-004, 174-004-001 and 174-004-002, located on Riverside Drive, from the Agriculture and Resource Protection (AGRP or AG) zoning district to the Low-Density Rural Residence or Rural Residence (RR) zoning district following the 1% Chance FEMA Flood Hazard Line.

Failed (Postponed indefinitely) on 2/5/2024 6-1 (Councilor Walker opposed).

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City Council Order

IN CITY COUNCIL

Adopting Ordinance Language in Chapter 52, Traffic and Vehicles, Sections 52-238 and 52-239

Be it ordained, that the City Council hereby adopts ordinance language in Chapter 52, Traffic and Vehicles, Sections 52-538 and 52-539 that was inadvertently removed in March of 2021. The language to be reinstated as follows:

Sec. 52-238. - Limitation of 8,000 pounds: No vehicle weighing more than 8,000 pounds, vehicle and load combined, nor any vehicle imparting to the road surface a pressure exceeding 400 pounds per inch of tire width (manufacturer's rating) shall be permitted on the streets, roads and highways of the city listed in a schedule on file and available in the city clerk's office between March 1 and May 31 of each year, except when the surface of the road is solidly frozen, in which case permission from the highway superintendent shall be obtained.

Sec. 52-239. - Limitation of 23,000 pounds: No vehicle weighing more than 23,000 pounds, vehicle and load combined, nor any vehicle imparting to the road surface a pressure exceeding 400 pounds per inch of tire width (manufacturer's rating) shall be permitted on the streets, roads and highways of the city listed in a schedule on file and available in the city clerk's office, between March 1 and May 31, except when the surface of the road is solidly frozen, in which case permission from the highway superintendent shall be obtained.

This ordinance will take effect immediately following the affirmative vote of the City Council.

*Passage of first and second reading as amended on 08-03042024 6-0 (Councilor Milks absent).

* The requirement of a reading on two separate days was dispensed by unanimous vote of the Councilors present and voting, pursuant to Auburn's City Charter.

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