

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of Planning and Development

To: Auburn Planning Board

From: Douglas M. Greene, AICP, RLA; City Planner



Date: January 9, 2015

RE: January 13, 2015 Meeting

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Happy New Year and I hope you had a great holiday too! I wanted to provide you with a summary of this month's agenda items and look forward to seeing you all next Tuesday.

1. Continued discussion of Form Code for Downtown and New Auburn.  
You'll find a draft map for the Downtown and New Auburn Form Code Regulating Plan. Alan Manorian will make a brief presentation of the map and upcoming Regulating Plan Draft.
2. Continued discussion of an amendment to the City of Auburn's Zoning Map to meet the recommendation for Moderate Density Residential Development as recommended in the 2010 Comprehensive Plan.  
This was discussed at your November meeting. Staff is providing you with the information you requested:
  - A power point (copy) that describes the 3 existing Multi-Family Suburban zones, the multi-family and apartment developments and their densities.
  - I've included copies of the Multi-Family Suburban and Multi-Family Urban Zone descriptions along with a draft of a new zone that might better fit the intent of the Moderate Density Residential Development Land Use of the 2010 Comprehensive Plan.
3. Continued discussion of revised Planning Board Policies and Procedures.  
I revised the Policies and Procedures as per the Board's discussion of last month. You'll also note that I made some additional edits and revisions starting on page 6. In addition, Chairman Bowyer and I would like to discuss with you the January 5<sup>th</sup> Council's work session on the Planning Board Code of Ordinance.

As always, please call me if you'll be unable to attend the January 13<sup>th</sup> meeting.



# **AUBURN PLANNING BOARD MEETING**

**January 13, 2015**  
**Agenda**

**6:00 P.M. - City Council Chambers (Auburn Hall)**

## **ROLL CALL**

### **MINUTES:**

Review and approval request of the December 16, 2014 Meeting Minutes

**PUBLIC HEARINGS:** None this month

### **OLD BUSINESS:**

1. Continued discussion of Form Code for Downtown and New Auburn.
2. Continued discussion of an amendment to the City of Auburn's Zoning Map to meet the recommendation for Moderate Density Residential Development as recommended in the 2010 Comprehensive Plan.
3. Continued discussion of revised Planning Board Policies and Procedures.

### **NEW BUSINESS:**

### **MISCELLANEOUS:**

### **ADJOURNMENT:**

Next scheduled meeting is on February 10, 2015 6 p.m. Council Chambers



1-9-15 dmj

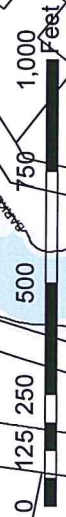
This map was created by Auburn's GIS Department. While every effort has been made to ensure the data is accurate and reliable, the City of Auburn cannot accept any responsibility for any errors, omissions, or positional accuracy, and therefore, there are no warranties which accompany the information displayed on this map. Users are cautioned to verify all information before making any decisions.



### Legend

- T 4.1 Traditional DT Neighborhood
- T 4.2 Traditional DT Neighborhood
- T 4.2 New Auburn Neighborhood
- T 4.3 Traditional DT Neighborhood
- T 5.1 New Auburn Center
- T 5.2 Downtown Center
- T 5.3 Downtown Center
- T 6.1 Great Falls Metro
- Shop Frontage

### Legend



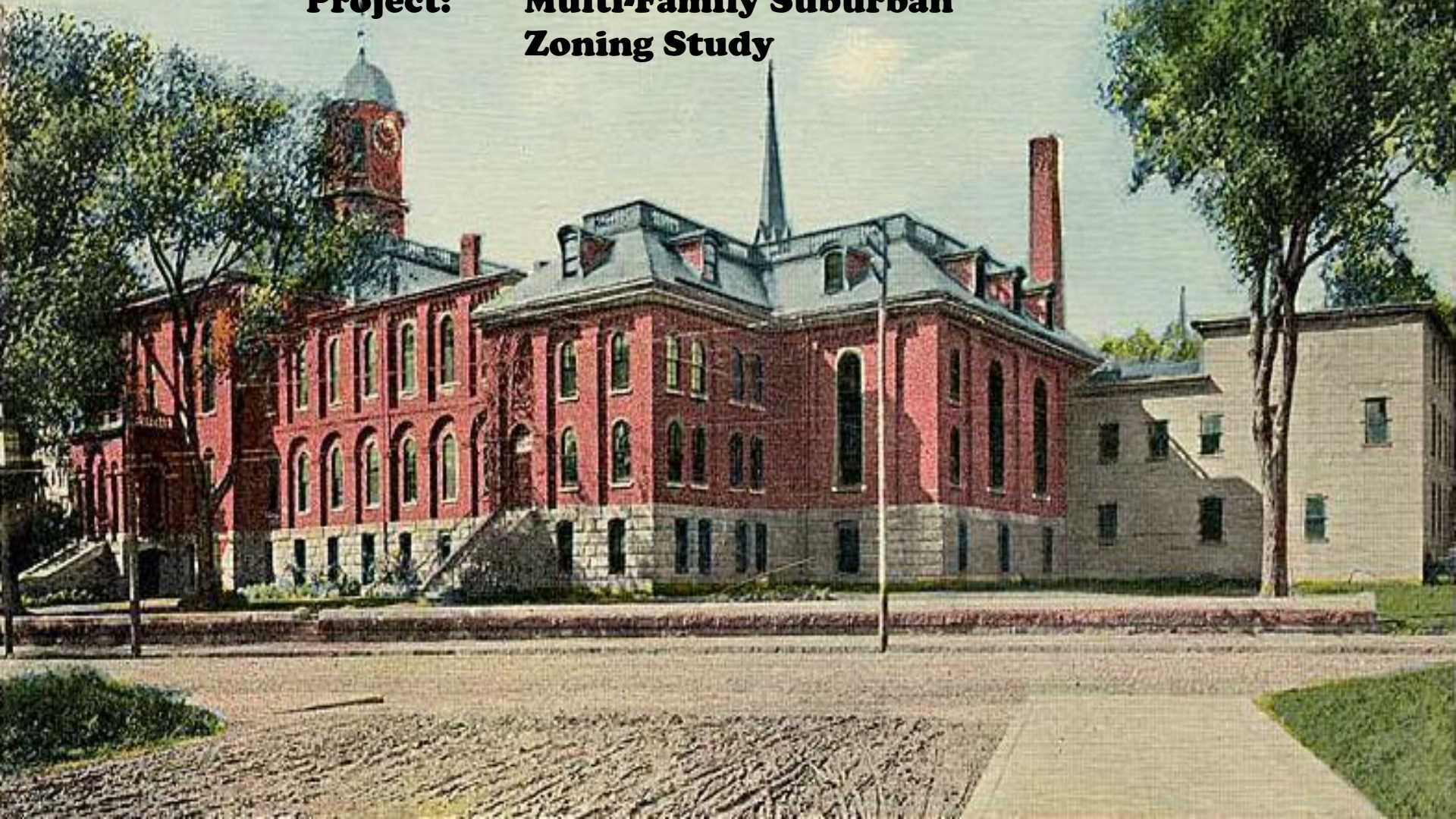
## Downtown Auburn Regulating Plan- DRAFT



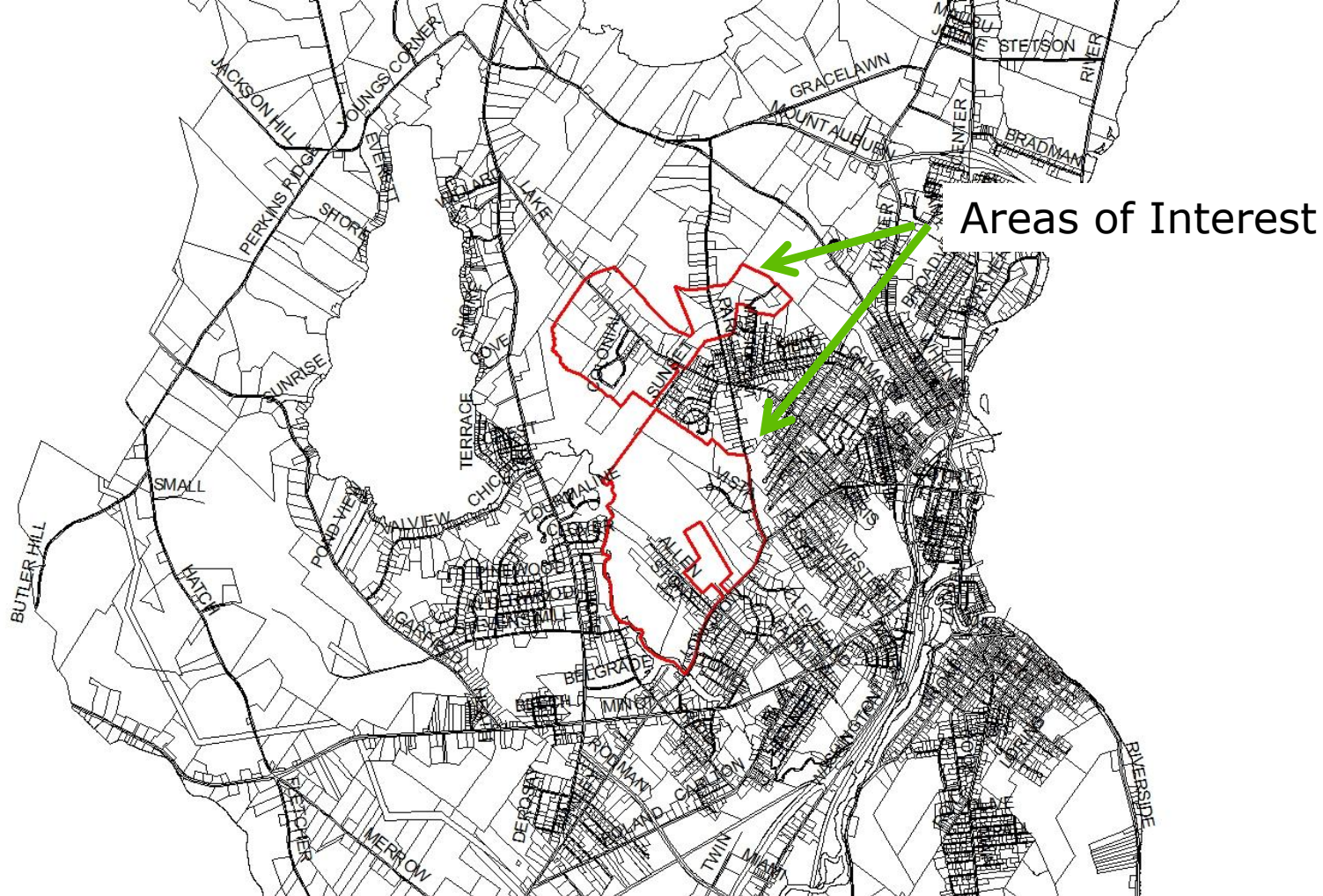
# **Auburn Planning Board**

**Date: January 13, 2015**

**Project: Multi-Family Suburban  
Zoning Study**

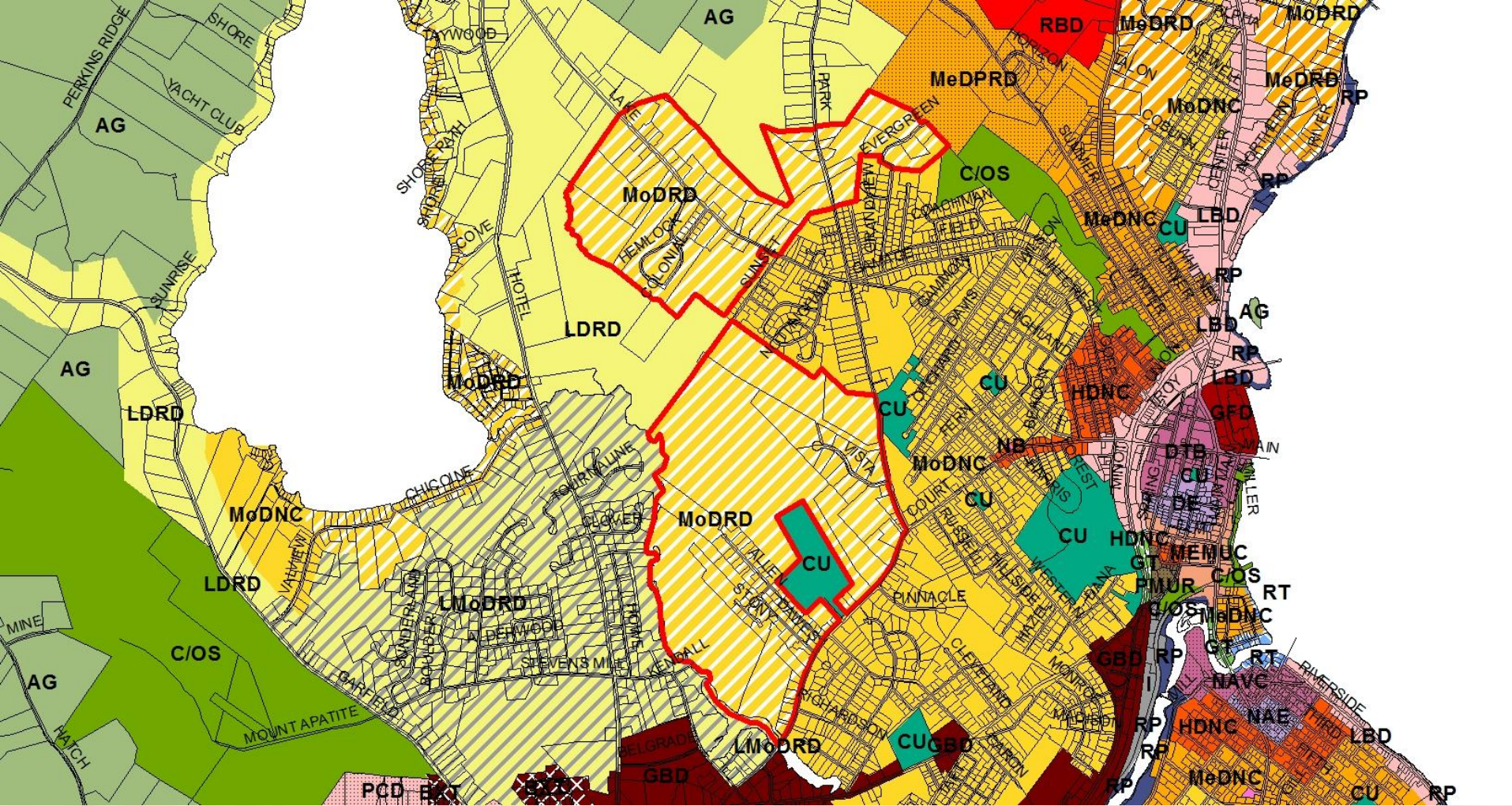






At the November 18, 2014 Planning Board meeting the Staff asked the Board to initiate a zone change in the Lake Street Area that would allow apartments.





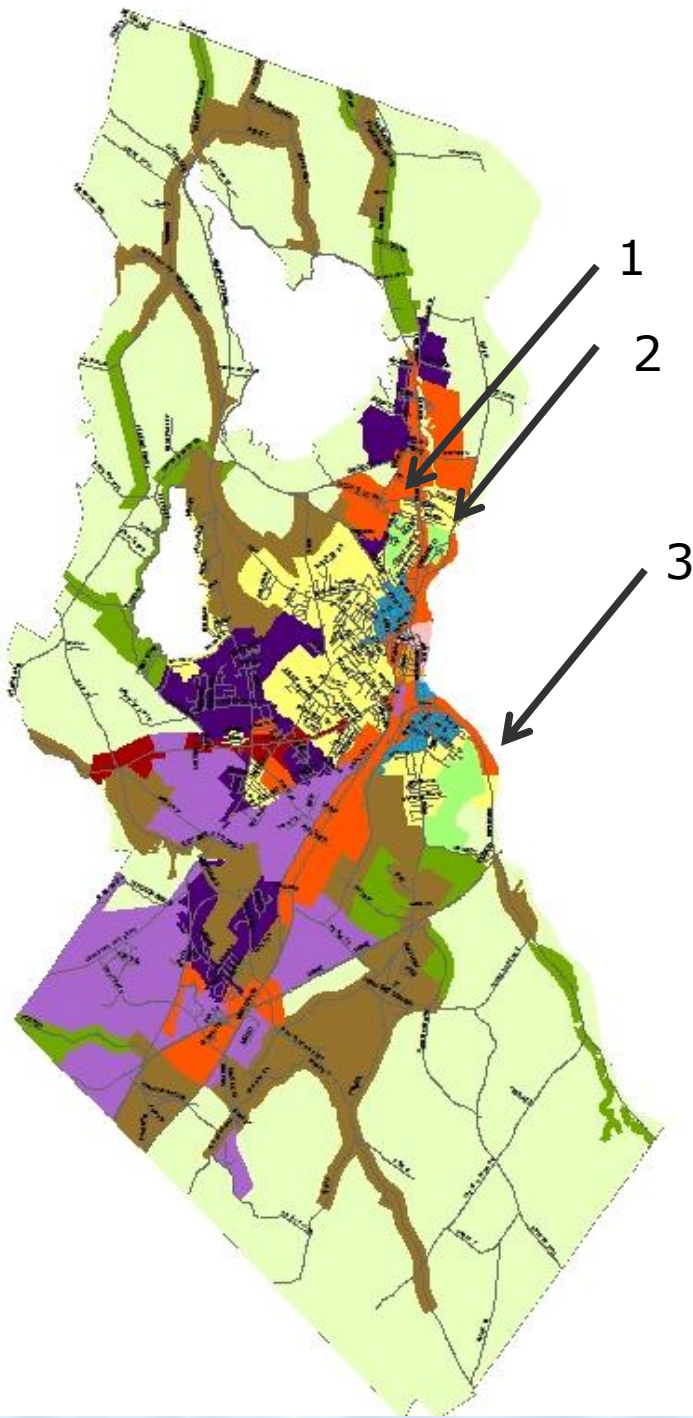
The 2010 Comprehensive Plan recommends these areas be developed in the future as Moderate Density Residential Development.



The Planning Board was concerned with the difference in density between the **Moderate Density Residential** Land Use designation (6-8 units per acre and allows apartments) and the closest zoning category to that, which is **Multi-Family Suburban**, which allow up to 17 units per acre with apartments. They asked staff to present additional information on existing densities, appearances of apartment complexes outside of downtown and to prepare an amended zoning category that might better fit the density recommendations of the Moderate Density Residential land use of the 2010 Comprehensive Plan.

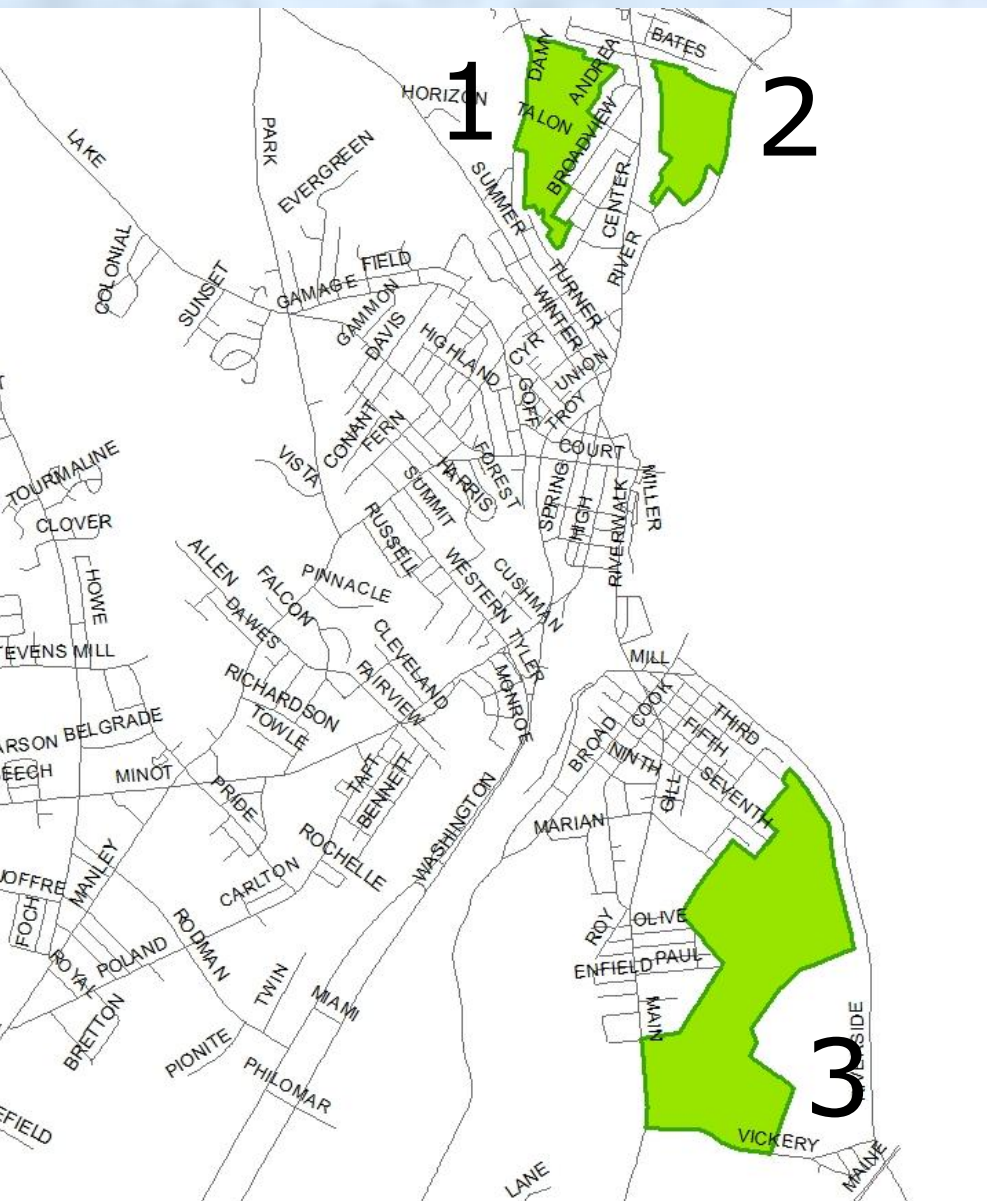
Here are the results of the staff research:





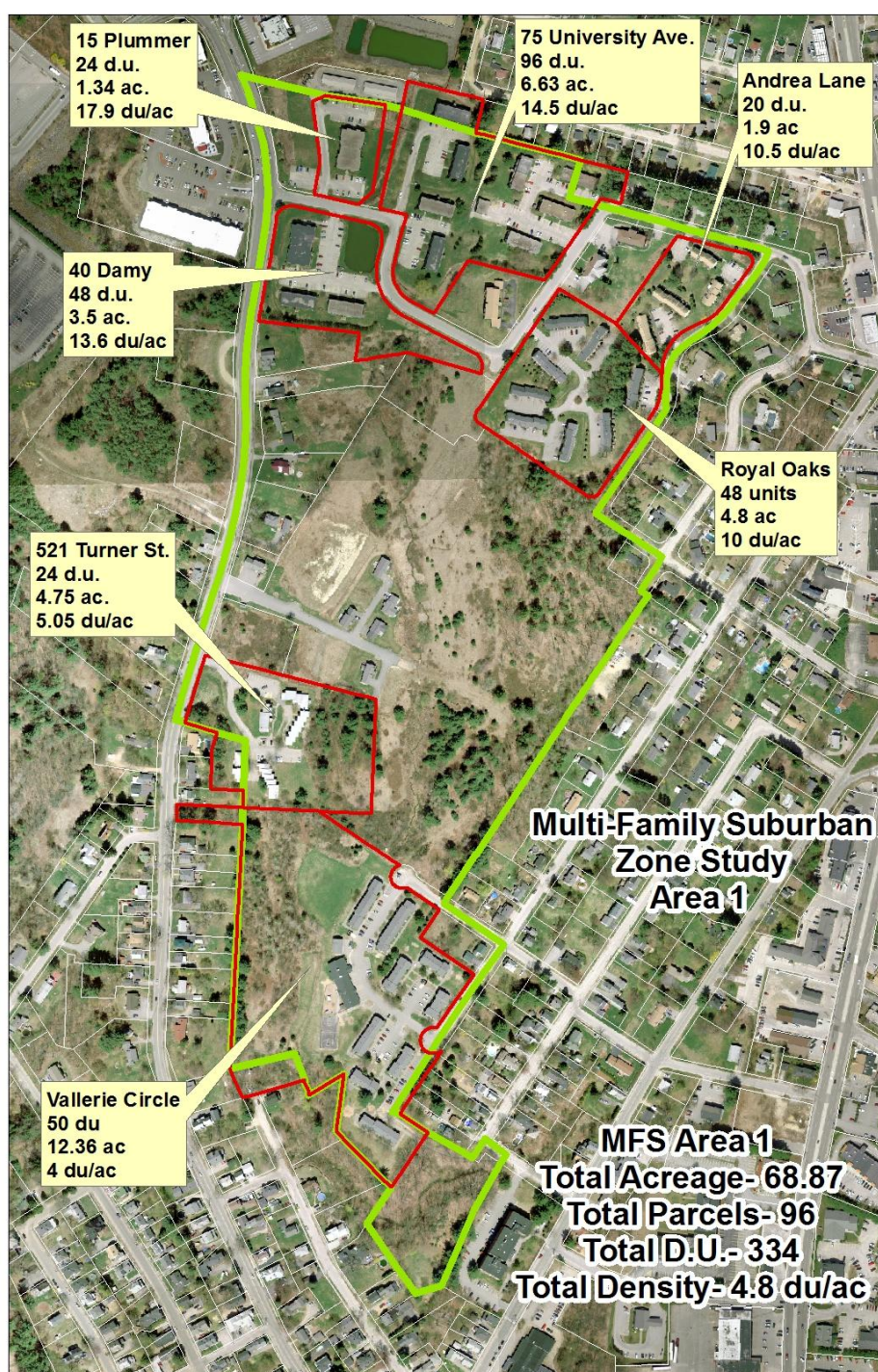
There are only 3 areas of Multi-Family Suburban zoning in the City of Auburn. (Light green)





Here's a closer look at the 3 areas of Multi-Family Suburban zoning.





MFS Zone Area 1-  
Has the greatest number of  
apartment complexes.  
The highest density is 17.9  
dwelling units per acre.





MFS Zone Area 2-  
This area has 2 apartment  
complexes with the highest  
density being close to 20  
dwelling units per acre.





## MFS Zone Area 3-

There are no existing apartments in this area. It also has large tracts of land that have limited or no development potential. In fact even with single family and a few duplexes, the overall density in area 3 is .06 dwelling units per acre.



20 Plummer St

Auburn, Maine

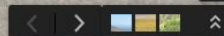
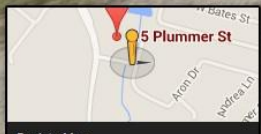
Street View - Apr 2012

© 2013 Google

Plummer St

75 University St.  
14.47 du/ac

Google



Northern Avenue Heights

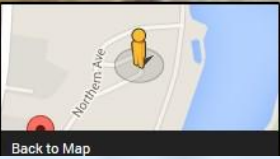
Auburn, Maine

Street View - Aug 2009

©2013 Google

9 Northern Ave.  
15.7 du/ac

Google





ew - Jun 2012



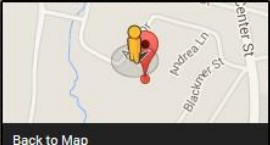
Google





4 Royal Oaks Dr  
Auburn, Maine  
Street View - Apr 2012

Royal Oaks Condos  
10 du/ac



Google



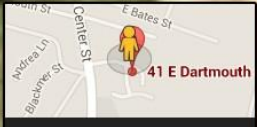




Auburn, Maine

Street View - Aug 2009

41 E. Dartmouth St.  
19.9 du/ac



Google

Navigation controls including a compass, zoom in (+) and zoom out (-) buttons, a street view pegman icon, and a settings gear icon.

Aspen Ct

Auburn, Maine

Street View - Aug 2009

© 2014 Google

© 2014 Google

Valerie Circle  
4 du/ac

Aspen Ct

Google



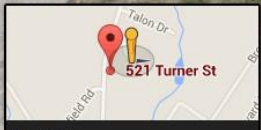


Auburn, Maine

Street View - Apr 2012

521 Turner St.  
5 du/ac

Google





**Northern Avenue Heights**  
Auburn, Maine

Street View - Aug 2009



Northern Ave. Apt.  
15.7 du/ac

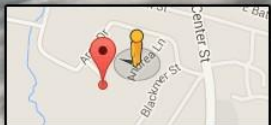


26 Andrea Ln

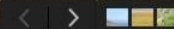
Auburn, Maine

Street View - Apr 2012

Andrea Lane Condos  
10.5 du/ac



Google







Sherman Ave. Condos



# **Questions and Discussion**



## DIVISION 8. - MULTIFAMILY URBAN DISTRICT

### Sec. 60-333. - Purpose.

This district is intended to stabilize and protect high density residential areas by providing for a varied, denser, urban pattern made suitable to the built-up portions of the city. This multifamily zone has a maximum density of 26 dwelling units per net acre, yet retains the open character of residential areas by requiring 50 percent green space. It is intended that this district will provide the maximum possible freedom in the design of structures and their grouping and will encourage flexible and imaginative layouts and designs.

(Ord. of 9-21-2009, § 3.44A)

### Sec. 60-334. - Use regulations.

- (a) *Permitted uses.* All uses permitted in the Multifamily Suburban (MFS) District except section 60-306(a)(5).
- (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).
  - (2) Medical and dental clinics, provided that:
    - a. Shall be in buildings which are listed on the state resource list and/or federal historic register.
    - b. All renovations to the building either internally or externally or both to accommodate the office use shall be accomplished in conformance with the accepted historic preservation and rehabilitation guidelines.
    - c. A single sign to identify the building and its uses, conforming to the requirements contained in article VI of this chapter. Signs shall not be lighted.

(Ord. of 9-21-2009, § 3.45B)

### Sec. 60-335. - Dimensional regulations.

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

- (1) *Minimum lot area, width and depth.* For each building erected there shall be provided lot areas as follows:
  - a. Building housing one family: 5,000 square feet minimum lot area, not less than 50 feet width, and 100 feet in depth.
  - b. Buildings housing two families: 6,500 square feet minimum lot area, not less than 50 feet width, and 100 feet in depth.
  - c. Buildings housing three families: 8,000 square feet minimum lot area, not less than 50 feet width, and 100 feet in depth.
  - d. Buildings housing four families: 9,500 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.
  - e. Multifamily buildings: 5,000 square feet minimum lot area for the first dwelling unit and 1,500 square feet minimum lot area for each additional dwelling unit. No lot shall be less than 50 feet width and 100 feet in depth. more than one principal building per lot is allowed. Buildings located inside the fire zone (as defined in the city building code) are subject to the requirements of chapter 12, pertaining to buildings and building regulations.



(2) *Density.* The following maximum densities per acre shall apply, according to housing type:

One-family	8 units per acre
Two-family	13 units per acre
Three-family	15 units per acre
Four-family	17 units per acre
Multifamily	26 units per acre

Not less than 50 percent of the net acreage shall be devoted to green area. Green space shall be deemed to include patios, whether paved or not, pedestrian walks, and landscaping within parking lots, but no off-street parking spaces, driveways, or common roads. For townhouse projects, the green area of individual lots may be counted toward the 50 percent green space requirement of the project. Net acreage shall include all land contained within the project except dedicated streets or street rights-of-way shown on the city's adopted master development plan or proposed to be so included within a reasonable period of time.

(3) *Yard requirements.*

- a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.
- b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.
- c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.

(4) *Height.* The height of all structures shall be limited to two and one-half stories or 35 feet, except as follows: A church or temple or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 45 feet.

(5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.45C)



## DIVISION 7. - MULTIFAMILY SUBURBAN DISTRICT

### Sec. 60-305. - Purpose.

This district is intended to stabilize and protect medium to high density residential areas by providing for a varied denser urban pattern made suitable to the needs of the population by encouraging a range of dwelling types. This multifamily zone has a maximum density of 17 dwelling units per acre, yet retains the open character of residential areas by requiring 50 percent green space. It is intended that this district will provide the maximum possible freedom in the design of structures and their grouping and will encourage flexible and imaginative layouts and designs.

(Ord. of 9-21-2009, § 3.44A)

### Sec. 60-306. - Use regulations.

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

- (1) One-family detached dwellings.
- (2) Two-family dwellings.
- (3) Multifamily dwellings in existence on September 23, 1988.
- (4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 10 of article IV and division 4 of article XVI of this chapter.
- (5) Farming of field crops, row crops, orchards or truck gardens.
- (6) Shelter for abused persons.
- (7) Accessory uses, buildings or structures.
- (8) Newly constructed multifamily dwellings and existing structures expanded to contain three or more additional dwelling units within a five-year period, provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.
- (9) Municipal uses and buildings.

(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).
- (2) Off-street parking lot, provided that:
  - a. Such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same zone.
  - b. Reasonable conditions imposed by the planning board regarding location, fencing, screening, drainage, ingress and egress, signs and lighting and total capacity of the parking area designed to protect the residential character of the neighborhood are met.
- (3) Professional offices.
  - a. Shall be in buildings which are listed on the state resource list and/or federal historic register.
  - b. All renovations to the building either internally and externally or both to accommodate the office use shall be accomplished in conformance with accepted historic preservation and rehabilitation guidelines.
  - c. A single sign to identify the building and its uses, conforming to the requirements contained in article VI of this chapter. Signs shall not be lighted.



(Ord. of 9-21-2009, § 3.44B)

Sec. 60-307. - Dimensional regulations.

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

- (1) *Minimum lot area, width and depth.* For each building erected, there shall be provided lot areas as follows:
  - a. Building housing one family: 10,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.
  - b. Buildings housing two families: 12,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.
  - c. Buildings housing three families: 14,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.
  - d. Buildings housing four families: 16,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.
  - e. Multifamily buildings: 10,000 square feet minimum lot area for the first dwelling unit and 2,000 square feet minimum lot area for each additional dwelling unit. No lot shall be less than 100 feet width and 200 feet in depth. More than one principal building per lot is allowed.
- (2) *Density.* The following maximum densities per acre shall apply, according to housing type:

One-family	4 units per acre
Two-family	6 units per acre
Three-family	9 units per acre
Four-family	10 units per acre
Multifamily	17 units per acre

Not less than 50 percent of the net acreage shall be devoted to green area. Green space shall be deemed to include patios, whether paved or not, pedestrian walks, and landscaping within parking lots, but no off-street parking spaces, driveways, or common roads. For townhouse projects, the green area of individual lots may be counted toward the 50 percent green space requirement of the project. Net acreage shall include all land contained within the project except dedicated streets or street rights-of-way shown on the city's adopted master development plan or proposed to be so included within a reasonable period of time.

- (3) *Yard requirements.*
  - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.
  - b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or

part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.

- c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
  - d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
- (4) *Height.* The height of all structures shall be limited to 2½ stories of 35 feet, except as follows:
- a. Multifamily buildings shall have a maximum height of 45 feet from grade.
  - b. A church or temple or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.44C)



# D R A F T

## DIVISION 7 ~~A. — MODERATE DENSITY RESIDENTIAL MULTIFAMILY SUBURBAN~~ DISTRICT

### Sec. 60-305. - Purpose.

This district is intended to stabilize and protect medium ~~to high~~ density residential areas by providing for a varied denser urban pattern made suitable to the needs of the population by encouraging a range of dwelling types. This ~~multifamily-mixed residential~~ zone has a maximum density of ~~47~~ 10 dwelling units per acre, yet retains the open character of residential areas by requiring 50 percent green space. It is intended that this district will provide the maximum possible freedom in the design of structures and their grouping and will encourage flexible and imaginative layouts and designs.

(Ord. of 9-21-2009, § 3.44A)

### Sec. 60-306. - Use regulations.

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

- (1) One-family detached dwellings.
- (2) Two-family dwellings.
- (3) Multifamily dwellings in existence on September 23, 1988.
- (4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 10 of article IV and division 4 of article XVI of this chapter.
- (5) Farming of field crops, row crops, orchards or truck gardens.
- (6) Shelter for abused persons.
- (7) Accessory uses, buildings or structures.
- (8) ~~Newly constructed multifamily dwellings and e~~ Existing structures expanded to contain three or more additional dwelling units within a five-year period, provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.
- (9) Municipal uses and buildings.

#### (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).
- (2) Off-street parking lot, provided that:
  - a. Such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same zone.
  - b. Reasonable conditions imposed by the planning board regarding location, fencing, screening, drainage, ingress and egress, signs and lighting and total capacity of the parking area designed to protect the residential character of the neighborhood are met.
- (3) Professional offices.
  - a. Shall be in buildings which are listed on the state resource list and/or federal historic register.
  - b. All renovations to the building either internally and externally or both to accommodate the office use shall be accomplished in conformance with accepted historic preservation and rehabilitation guidelines.

# DRAFT

- c. A single sign to identify the building and its uses, conforming to the requirements contained in article VI of this chapter. Signs shall not be lighted.

## (4) Newly constructed Multi-Family Dwellings.

(Ord. of 9-21-2009, § 3.44B)

### Sec. 60-307. - Dimensional regulations.

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

- (1) *Minimum lot area, width and depth.* For each building erected, there shall be provided lot areas as follows:
  - a. Building housing one family: 10,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.
  - b. Buildings housing two families: 12,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.
  - c. ~~Buildings housing three families: 14,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.~~
  - d. ~~Buildings housing four families: 16,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.~~
  - e. Multifamily buildings: 10,000 square feet minimum lot area for the first dwelling unit and 2,000 square feet minimum lot area for each additional dwelling unit. No lot shall be less than 100 feet width and 200 feet in depth. More than one principal building per lot is allowed.

- (2) *Density.* The following maximum densities per acre shall apply, according to housing type:

One-family	4 units per acre
Two-family	6 units per acre
<del>Three-family</del>	<del>9 units per acre</del>
<del>Four-family</del>	<del>10 units per acre</del>
Multifamily	<del>10</del> 7 units per acre

Not less than 50 percent of the net acreage shall be devoted to green area. Green space shall be deemed to include patios, whether paved or not, pedestrian walks, and landscaping within parking lots, but no off-street parking spaces, driveways, or common roads. For townhouse projects, the green area of individual lots may be counted toward the 50 percent green space requirement of the project. Net acreage shall include all land contained within the project except dedicated streets or street rights-of-way shown on the city's adopted master development plan or proposed to be so included within a reasonable period of time.

- (3) *Yard requirements.*



# D R A F T

- a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.
  - b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.
  - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
  - d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
- (4) *Height.* The height of all structures shall be limited to 2½ stories of 35 feet, except as follows:
- a. Multifamily buildings shall have a maximum height of 45 feet from grade.
  - b. A church or temple or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.
- (Ord. of 9-21-2009, § 3.44C)

CITY OF AUBURN  
PLANNING BOARD  
POLICIES AND PROCEDURES BY LAWS

**ARTICLE I. Objectives**

The objectives and purpose of the Planning Board of the City of Auburn, Maine, are those set forth in the Auburn City Charter, those powers and duties delegated to the Planning Board by the City Council in Chapter 60 of the Auburn City Ordinances and those objectives and powers set forth in Maine Revised Statutes.

**ARTICLE II. Planning Board ~~Makeup~~ Membership**

- (a) The membership and composition of the Planning Board shall be defined in the City of Auburn Code of Ordinances under Chapter 2, Article V, Division 4, Section 2-466.
- (b) Rules regarding the appointment of Planning Board members shall be defined in the City of Auburn Code of Ordinances under Chapter 2, Article V, Division 4, Section 2-466. ~~In addition, Planning Board members shall serve for no more than three consecutive terms.~~
- (c) Attendance at all Planning Board meetings (Public Hearings and Workshops) shall not drop below 50% within a 12 month period. If attendance does drop below this level, the Planning Board Chairperson may forward a recommendation to the City Council to remove that Board member.
- (d) ~~If a situation occurs~~ that does not allow a Board member to attend a meeting, a call to the Planning and Development staff is required ~~in order to be considered for an excused absence.~~
- (e) The Planning Board Chairperson may forward a recommendation to the City Council to remove a single Board member for cause at any time given that such action is taken under the consensus of the Board.



### **ARTICLE III. Officers and Their Duties**

- (a) The Officers and their Duties of the Planning Board shall be defined in the City of Auburn Code of Ordinances under Chapter 2, Article V, Division 4, Section 2-467.
- (b) The Chairperson shall preside at all meetings and hearings of the Planning Board and shall have the duties normally conferred by parliamentary usage as written in "Roberts Rules of Order."
- (c) The Chairperson shall have the privilege of discussing all matters before the Board and to vote thereon.

### **ARTICLE IV. Election of Officers**

- (a) Officers shall be nominated from the floor and elected at the regular February meeting.
- (b) If more than one member is nominated for the same position, then the Board shall vote by private ballot
- (c) A candidate receiving a majority vote of the membership of the Planning Board present at the meeting shall be declared elected and shall serve one year or until his/her successor shall take office.
- (d) Vacancies in offices shall be filled at the first possible regular meeting after the occurrence of the vacancy in the manner described in the previous Sections of this Article.

### **ARTICLE V. Planning Board Submissions**

- (a) In order to be placed on the Planning Board agenda, an application, petition or amendment must satisfy the conditions contained in Chapter 60 of the City of Auburn Code of Ordinances. The Planning Board authorizes the Planning and Development Staff ~~shall to review and~~ notify the applicant ~~of any deficiency~~ within 5 working days of submission that either: 1.) the application is not complete and is not accepted for processing and shall enumerate the materials that are missing; or 2.) one or more required minor elements are missing or inadequate and need to be submitted within 8 working days or within 13 days before the planning board meeting or the application will be determined not to be complete; or 3.) the application is complete and a public hearing is scheduled for (give the date of the next Planning Board meeting to be held after notification requirements have been met).

-Revisions by the Planning Board on 09/09/2014 ,10/14/14 and 12/16/14

- (b) All ~~revised-deficient~~ plans and documents must be submitted to the Planning and Permitting Services Department at least ~~ten thirteen~~-(130) days prior to the meeting.
- (c) Additional applicant revisions or communications to the Board must be submitted to the Planning and Permitting Services Department no later than the end of day Wednesday before the Planning Board meeting.
- (d) The Board may nonetheless, in accordance with state and local law and at it's own discretion, consider an application, petition or amendment that fails to meet sections (a) through (c), if the Board finds initially that failure to satisfy this Article was justified or due to excusable error or neglect.

**(e) Information Available to All (Conversely Ex Parte Communications)**

To be considered by the Board all information, such as evidence, data, reports, positions for and against and the like shall be submitted so as to be available to all Board members, the staff and the public at an open public meeting. If one or more Board members are contacted privately by an individual, such as an applicant or a person potentially affected by a proposed development, outside of an open public meeting, they must respond by saying that to be considered by the Board information has to be submitted so as to be available at an open public meeting. In other words, contact with one or more Board members privately and outside the context of an open public meeting is not allowed.

**(f) Site Visits-**

Outside of a duly advertised site visit by the whole Board individual Board members are encouraged to visit the site of applications to the Board to familiarize themselves with the site and the surrounding neighborhood but should discourage the applicant or any neighbors or other interested parties from attempting to privately provide information or argue for or against an application because such information must be submitted so as to be available to all Board members, the staff and the public at an open public meeting.

## **ARTICLE VI. Meetings**

- (a) Regular Mmeetings will be held on the second Tuesday of each month at 6:00 p.m. at the Auburn City Building provided that the Board, ~~by resolution~~, may vote to hold its meeting on any other day in the month, or at any other place, or at any other time of day or upon confirmation of a majority of the Board members. ~~the Department of Planning and Permitting Services may schedule a meeting for a different day, or place or time.~~



-Revisions by the Planning Board on 09/09/2014, 10/14/14 and 12/16/14

- (b) The basis for meeting a quorum, as well as taking action by voting, shall be defined in the City of Auburn Code of Ordinances under Chapter 2, Article V, Division 4, Section 2-469. In addition, a tie vote shall be considered final action by the Board and an application, petition or proposed amendment shall be deemed denied if the Board's final action results in a tie vote. Voting shall be by roll call where requested by any member except on unanimous vote. A record of the roll call vote shall be kept as part of the record.
- (c) Special meetings may be called by the Chairperson. Special meetings shall be called by the Chairperson when requested to do so by four of the members of the Board. The notice of such a meeting shall specify the purposes for which it is called and no other business shall be considered except by unanimous consent if all Board members are present. The Staff Secretary shall notify all members of the Board at least two (2) days in advance of such special meeting.
- (d) No new agenda items will begin after 9:00 p.m. except with the unanimous consent of all Board Members present.
- (e) If during the course of a Planning Board meeting it becomes apparent that the Board will not reach certain agenda items, the Board, prior to or after the 9:00 p.m. cut-off may postpone items or portions of items to the next scheduled meeting of the Board by majority vote of members present at the meeting.
- (f) If seven regular Planning Board Members are not present, then the Associate Board Members will take the place of the absent members for voting purposes in an alternating manner. The participating Associate Member(s) will have full voting privileges

## **ARTICLE VII. Order of Business**

- (a) The normal order of business for the Board shall be as follows:

- A. Roll Call
- B. Approval of Minutes
- C. Public Hearings
- D. Old Business
- E. New Business
- F. Public Comment
- G. Miscellaneous
- H. Adjournment

Added per City Council request from  
1-5-15 workshop

- (b) The normal order of business may be altered by consent of the Board.

## ARTICLE VIII. Public Hearings

### (a) Special Meetings

In addition to those required by law, the Board may, at its discretion, hold public hearings when it decides that such hearings will be in the public interest.

### (b.) Public Notice

Public Notice and Notice to Abutters language comes from Section 60-1474 and 1475

The City shall publish in a newspaper, 2 public notices, the first at least 12 days before the hearing and the second notice at least 7 days before the hearing. Each notice shall state the time, date, place and general information on the subject to be heard.

### (c.) Notification to ~~Interested Parties~~ Abutters

- Notice of Public Meetings for Subdivisions, Site Plan Reviews, Special Exceptions and Zoning Map and/or Text Amendments shall be made to all abutters at least 14 days prior to the public hearing. Abutters mean owners of property within 500 feet of the land under consideration. ~~Post legal notice, as required by State law and City Ordinance~~ Any revisions to an application shall be submitted to the Planning Office no later than the Wednesday preceding the next scheduled meeting.

### (d.) Additional Notification

The Planning Office shall post all available application materials on the City web site by the Friday prior to the meeting. In addition, notice may be sent by requests from Send legal notice to abutters, neighbors within a reasonable distance (greater than minimum required by law), to identified community/neighborhood groups, to City Councilors, city departments ~~boards or committees,~~ other interested citizens or public agencies that might be interested/affected

### (e.) Policies and Procedures Manual

The Staff shall make Planning Board's Policies and Procedures Manual available to applicants during the application process and to interested parties on the City's website.

- ~~In addition to the legal notice, create and send an explanation, in English, of the proposal and its potential effects. Advise recipients more information will be available, shortly before the hearing, on the City of Auburn/Planning Board web site that will have staff analysis, relevant~~



~~documents or data submitted by applicant and PB's Policies And Procedures for conduct of public hearing~~

The next  
section of  
revisions  
are from  
staff

- (f) ~~Preparation for the Public Hearing-~~ All the information, plans, reports and the like that may be presented or used at the public hearing shall be presented to the Planning Office no later than end of day the Wednesday before the Planning Board meeting and shall be made available to the public by the close of business on the Friday preceding the hearing. The objective is to provide time for the staff, the Board and the public to have a reasonable time period to review and analyze all the material. ~~No last minute~~ information, plan, report or the like may be submitted on the day of or at the public hearing unless approved by the Planning Board. ~~, or at the public hearing. It will not be admitted in the hearing or considered because it has not been available to be reviewed by the staff, the Board or the public.~~

The staff shall post all meeting materials including the agenda, draft minutes, the staff report, and all application materials, on the City of Auburn/Planning Board web site by the close of business on the Friday preceding the hearing. ~~The staff may also, at the same time, post material submitted by the petitioner/applicant, such as a summary of the proposal or any accompanying documentation. The staff shall include the title and a brief description of all the documentation submitted by the petitioner/applicant and indicate it is-~~ Applications shall be available for inspection in the offices of the Planning and Permitting Department during business hours.

Similarly, if members of the public have prepared written material or reports about a petition or application in a compatible electronic format, they should coordinate with the staff may submit it in order for it to be included in the meeting material to be posted.

~~If the applicant or members of the public have written material to be posted, they should coordinate with the staff and submit the material in a compatible electronic format.~~

These Policies and Procedures will be posted on the web site so that the applicant/petitioner and the public will be aware how the hearing will be conducted.

- (g) ~~Conduct of at~~ the Public Hearing

- 1. Status of Board Members:** Any regular Board member may want to recuse him/her self from acting on the application/petition because of a conflict of interest or personal reason. Any member who does shall surrender his/her seat and either leave the chamber or sit in the back of the room. Such member shall not communicate with other members of the Board who are acting on an application/petition and shall not address the Board if they are a party at interest who is potentially affected by the application/petition.

In the case where a member does not have a conflict of interest, as defined by (Maine Revised Statutes, Title 1, Chapter 25 and M.R.S.A. Section 2605, Chapter 30-A, Conflict of Interest and Auburn Code of Ordinances-, Chapter 2 – Administration, Article III, Officers and Employees, Division 2, Ethics and Conflicts of Interest) but believes he/she may have the appearance of a conflict, the member shall state the situation and the remaining regular members of the Board shall vote whether they believe a conflict does exist and the member should sit or not.

One Associate member shall be selected to hear and act upon the application/petition for each regular member who is absent or recuses him/her self. Sitting in a public hearing shall be alternated between the two Associate members.

In the case where a hearing is continued to a subsequent meeting and all of the members who sat on the original hearing are not present, a regular member who was absent at the earlier hearing may sit on the continued meeting provided he/she certifies that he/she has familiarized themselves with the testimony and proceedings of the previous hearing.

- 2. Staff Report:** A member of the staff shall present the report prepared by the staff or any other relevant information. Board members may ask questions and seek clarification of the application/petition, potential impacts of the development, if approved, provisions of the Zoning Ordinance or of other applicable regulations and laws. It is not appropriate, at this time, for Board members to comment on the merits of the application/petition and whether it should be approved or not. Those comments should be reserved until after the presentation by the applicant and testimony given by the public. The Staff Report will also contain draft motions and findings for either approval or disapproval.

- 3. Presentation by the Petitioner/Applicant** After the presentation of the staff report and questions about it from the Board, the applicant shall make the case for approval of the application/petition and any analysis of the potential impacts of the proposed development. The applicant shall be prepared to respond to questions from the Board or the staff.

In the case of a petition to amend the Zoning Ordinance or the Zoning Map, everyone should be aware that the potential impacts are not limited to the property of the petitioner but would be applicable to all properties in the city in the same zoning district classification. Similarly everyone should be aware that approval of the petition does not limit the extent of development to a specific proposal described by the petitioner. A change of zoning district designation, or the text of the Zoning Ordinance, entitles the petitioner, or all property owners in the same zoning district classification elsewhere in the city to the full development potential described for that zoning district classification. Other uses or a more intensive development, different than a



petitioner's specific proposal, may be authorized in that zoning district classification.

**4. Public Participation and Comments by the Public:** A public hearing is an open meeting as described in (M.R.S.A., Title 1, Section 403 and Auburn Code of Ordinances-, Chapter 2 – Administration, Article V, Boards, Commissions and Committees, Divisions 4, Planning Board). The public is entitled to listen to the proceedings. The public is invited to participate in the proceedings at times designated herein. An open meeting does not mean the public is allowed to participate in an ongoing dialogue with the Board or the staff throughout the meeting. Any person may speak; it is not limited to nearby neighbors or to residents of Auburn. Any person who speaks may support, or oppose, the application/petition or ask questions of the staff, the Board or the applicant.

The applicant, any member of the public, or any public official addressing the Board shall use the microphones in the chamber. They shall first give their name and address and if representing and speaking in behalf of another party shall so state. All public hearings are recorded to be available for the record. If a person does not use the microphone their comments may not be recorded.

Any member of the public or any public official addressing the Board shall be limited in speaking to five minutes. At the Chair's discretion, an additional five minutes may be granted. A speaker should not repeat, at length, arguments or points made by previous speakers. They should briefly state their agreement or support for those positions. Reading of prepared speeches is not encouraged. The Board welcomes submittal of prepared written statements that will be included in the record.

This part of the hearing is not intended to be a debate, dialogue or rebuttal between the speaker and the Board or staff. Primarily the Board will listen to the testimony but may ask questions of the speaker for clarification of his/her position.

Speakers will be recognized in the order in which they come forward. The hearing is not arranged to hear all of the proponents and then all of the opponents, or vice versa.

It is not the practice of the Board to take a poll of those in favor and those opposed. The number of people with a particular position is not a factor; the strength of their arguments is what matters.

In the interests of an orderly public hearing all persons speaking shall seek recognition from the chair and shall not speak directly to Board members, staff or other members of the public except as the Chair may direct. Board members and staff shall also seek recognition from the chair before speaking to other persons.

The objective of the hearing is to hear testimony. There will be time for dialogue and debate on the merits of the application/petition by the Planning Board later. After all persons who want to speak have done so, the Board will move to close the public comment part of the hearing. After that motion discussion will be limited to Board members and staff.

**5. Public Comment:** ~~After presentation by the application/petition and questions from the Board and planning staff, the public is invited to speak. Any person may speak; it is not limited to nearby neighbors or to residents of Auburn. All people who speak are required to use the microphones provided and give their name and address.~~

~~Any person who speaks may support, or oppose, the application/petition or ask questions of the staff, the Board or the applicant~~

~~This part of the hearing is not intended to be a debate, dialogue or rebuttal between the speaker and the Board or staff. Primarily the Board will listen to the testimony but may ask questions of the speaker for clarification of his/her position.~~

~~Speakers are requested to not restate, at length, points made by previous speakers. They should refer to them briefly to underscore those points.~~

~~Speakers will be recognized in the order in which they come forward. The hearing is not arranged to hear all of the proponents and then all of the opponents, or vice versa.~~

~~It is not the practice of the Board to take a poll of those in favor and those opposed. The number of people with a particular position is not a factor; the strength of their arguments is what matters.~~

~~After all persons who want to speak have done so, the Board will move to close the public comment part of the hearing. After that motion discussion will be limited to Board members and staff.~~

**5. Discussion, Action by the Board:** After the presentation by the applicant and public comment, the Chair will call for a general discussion among the Board to gauge their perspective on the application/petition. Members may, through the chair, direct a question to the applicant for clarification. Also,



members may think the application/petition might be acceptable if subjected to certain limiting conditions. Through the chair, the member may ask the applicant whether such condition is acceptable.

After general discussion, if it appears there is a consensus, a motion will be in order. After a motion is made and seconded, there will be discussion on the specific motion. Other members may suggest amendment to the original motion and ask the maker of the motion if it is acceptable.

Following parliamentary procedure the Board will decide, by vote, whether to approve, with or without conditions, disapprove or defer action on the application/petition. The vote of the Board on the motion constitutes the decision of the Board and for determining the timing of subsequent actions, such as appeals.

**6. Written Decision-** The Staff Report shall contain the draft of a motion and findings for the Planning Board's decision, incorporating any additional conditions added by the Planning Board. After approval of a motion duly made and seconded, a written decision needs to be drafted. Given the complexity of some applications and the likelihood that the Board may want to attach limiting conditions, it would be challenging to produce a written decision instantaneously. The staff will prepare the draft of a written decision, incorporating the intent of the motion approved by the Board. The draft of the decision will then be circulated to members of the Board for their review. If the draft is considered acceptable by the members, the written decision will then be filed. If one or more members does not agree with the language of the draft prepared by the staff, they shall submit alternative language, that shall then be circulated to the Board for their additional review.

This procedure for subsequent review of the draft of a written decision is necessary because the alternative would be to schedule a review of the draft at the next scheduled meeting of the Board. That could result a delay of a month or more and would be unfair to all concerned.

~~(End of Chairman's Bowyer's Policies and Procedures)~~

## **ARTICLE IX. Jurisdiction and Duties**

- (a) The jurisdiction and duties of the Planning Board shall be defined in the City of Auburn Code of Ordinances under Chapter 2, Article V, Division 4, Section 2-475.

*Should we use this space to define "how" we are going to complete some of the tasks outlined in the ordinance?*

-Revisions by the Planning Board on 09/09/2014 ,10/14/14 and 12/16/14

## **ARTICLE IX. Amendments**

These By-Laws may be amended by a majority vote of the membership of the Planning Board present, to include both Regular and Associate members of the Board, provided that a quorum, consisting of four members is met. An affirmative vote by at least four members shall be necessary to authorize any action to amend the By-Laws. ~~at least three affirmative votes are required to amend these By-Laws. Any amendments must be submitted prior to the meeting.~~

Draft Showing Revisions