

# 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 *DMG*

Date: February 3, 2015

RE: Multi-Family Zoning Text Amendment

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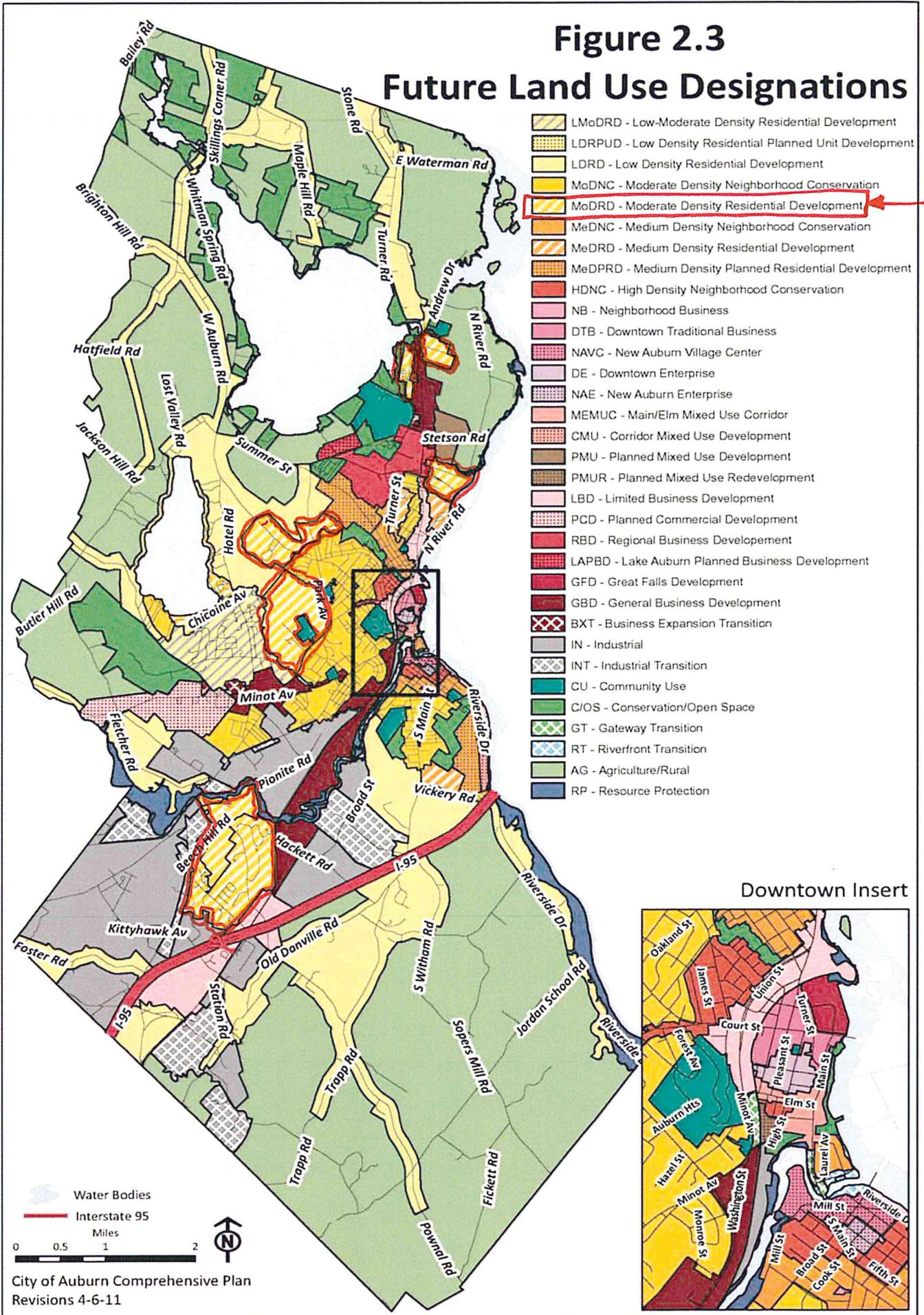
As a result of interest by property owners to develop multi-family developments in areas designated by Moderate Density Residential Development in the 2010 Comprehensive Plan, the Planning Staff has researched the situation and presented its findings to the Planning Board in November 2014 and January 2015.

To summarize the discussion to date, the existing zones that allow multi-family development are Multi-Family Suburban (MFS) and Multi-Family Urban (MRU) Districts. The MFS District allows 17 dwelling units per acre (for multi-family) and the MFU allows 26 dwelling units per acre (for multi-family). The 2010 Comprehensive Plan contains a land use category, "Moderate Density Residential Development", which recommends allowing multi-family development at a density of 6-8 dwelling units per acre. The research revealed that there is a discrepancy between the Zoning Ordinance and the 2010 Comprehensive Plan in that the Zoning Ordinance does not have a zone that would allow multi-family development with a lower density than MFS or MFU allows.

At their January 13, 2015 meeting, the Planning Board requested the Staff prepare a draft Zoning Text Amendment that would resolve the density conflict between existing Zoning and the Comprehensive Plan. The Staff would like to present that draft ordinance along with the following attachments:

1. A map showing areas recommended for Moderate Density Residential Development in the 2010 Comprehensive Plan.
2. The language for the Moderate Density Residential Development Land Use Category from the 2010 Comprehensive Plan.
3. Summary Table of (Zoning) District Requirements. (note highlighted densities)
4. Existing Multi-family Suburban and Multi-family Urban sections from the Auburn Zoning Ordinance.
5. Draft Moderate Density Residential District Ordinance.

# Figure 2.3 Future Land Use Designations



subdivisions along existing roads should not be allowed. New development should be designed to minimize the number of vehicular access points to existing collector or other through roads. This designation is considered to be provisional for areas that are currently zoned Agriculture/Resource Protection – in this situation the current Ag/RP zoning or its equivalent should remain in place until a planned development proposal is under active consideration by the property owner.

**Allowed Uses** – The following general types of uses should be allowed as part of a planned development in the Medium Density Planned Residential Development District:

- detached single family and two-family homes
- attached town-house style homes
- multifamily housing
- elderly housing
- assisted living and retirement housing
- home occupations
- community services and government uses
- recreational facilities and open space

In addition, small-scale office and service uses (< 5,000 square feet) should be permitted as part of a planned development as long as the scale and intensity of the uses are compatible with the residential nature of the development and they are integrated into the overall development.

Agriculture including animal husbandry should be allowed as an interim use in these areas,

**Development Standards** – Multifamily housing and townhouse style development should be allowed at a density of up to 10-12 units per acre, while single and two-family housing should be allowed at a density of up to 6-8 units per acre. The development standards should require that the development be designed to reflect the opportunities and constraints of the parcel and the adjacent area. Therefore, the standards should allow flexibility in how the units/lots are laid out, as long as the design is consistent with the site's characteristics. Planned developments should be required to set aside 15-25% of the gross area as open space or conservation land. New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

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### **Moderate Density Residential Development District (MoDRD)**

**Objective** – Allow for the development of a limited range of residential and community uses at a density of up to 6-8 units per acre in areas that are served or can be served by public sewerage and public water (see Figure 2.3). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

*Allowed Uses* – The following general types of uses should be allowed within the Moderate Density Residential Development District:

- detached single family and two-family homes
- attached town-house style homes
- multifamily housing
- home occupations
- community services and government uses
- agriculture

*Development Standards* – Multifamily housing and townhouse style development should be allowed at a density of up to 6-8 units per acre while single and two-family housing should be allowed at a density of up to 4-6 units per acre. The development standards should allow for more dense development and smaller lots for projects that do not use existing collector or through roads for access to individual units/lots. The lot size for detached single family homes that are not part of a development should be as small as 7,500 – 10,000 square feet. Lot frontage requirements on existing collector and other through roads should be around 100 feet but should be reduced for lots that are accessed from existing local streets or streets within a development. In general, the minimum front setback should be 20-25 feet. Side and rear setbacks should be established that relate to the size and width of the lot.

### **Low-Moderate Density Residential Development District (LMoDRD)**

*Objective* – Allow for the development of residential and community uses at a density of up to 2-3 units per acre in areas that are typically not served by public sewerage (see Figure 2.3). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

*Allowed Uses* – The following general types of uses should be allowed within the Low-Moderate Density Residential Development District:

- detached single family and two-family homes
- attached town-house style homes
- home occupations
- community services and government uses
- agriculture

*Development Standards* – Single and two-family housing and townhouse style development should be allowed at a density of up to 2-3 units per acre. The development standards should allow for more dense development and smaller lots for projects that do not use existing collector or through roads for access to individual units/lots. The lot size for detached single family homes that are not part of a development should be as small as 15,000 to 20,000 square feet. Lot frontage requirements on existing collector and other through roads should be around

Summary Table of District Requirements

District	Minimum Lot			Minimum Lines			Max Lot Coverage %	Max Height Principal Bldg	Max Height Accessory Bldg	Min Distance Between Main Bldgs	Density Dwelling Units / Acre	Open Space / Coverage
	Area sf (ac.)	Width	Depth	Rear	Side	Front						
AG	435,600 (10)	250	200	25	15	25 (a)	None	35	65 (e)	None	1 (Per 10 Acres)	N/A
LDCR	130,680 (3)	325	200	50	25	50 (b)	None	35	65 (e)	None	1 (Per 3 Acres)	N/A
RR	43,560 (1)	250	150	25 (c)	15 (d)	25 (a)	None	35	65 (e)	None	1	N/A
SR	21,780 (0.5)	150	125	25 (c)	15 (d)	25 (a)	None	35	65 (e)	None	2 (Per Acre)	N/A
UR	10,000 (1-F)	100	100	25 (c)	15 (d)	25 (a)	None	35	65 (e)	None	4 (1 Fam)	N/A
	12,000 (2-F)										6 (2 Fam)	
MFS	10,000 (1-F)	100	100	25 (c)	15 (d)	25 (a)	None	35	65 (e)	30 (n)	4 (1 Fam)	Open Space 50%
	12,000 (2-F)	100	100								6 (2 Fam)	
	14,000 (3-F)	100	100								9 (3 Fam)	
	16,000 (4-F)	100	100								10 (4 Fam)	
	Multi (f)	100	200								17 (Multi)	
MFU	5000 (1-F)	50	100	25 (c)	15 (d)	25 (a)	None	45	65 (r)	30 (n)	8 (1 Fam)	Open Space 50%
	6,500 (2-F)	50	100								13 (2 Fam)	
	8,000 (3-F)	50	100								15 (3 Fam)	
	9,500 (4-F)	50	100								17 (4 Fam)	
	Multi (q)	50	100								26 (Multi)	
NB	None	None	None	35 (c)	25 (h)	25 (c)	40	35	65 (e)	None	None	Building Cov. 40%
GB				35 (i)	25 (i)	25 (c)	30	45 (k)	None	30 (n)	Same as for MFS District	Building Cov. 30%
GBII	10,000	100	100	35 (m)	5	None	80	75	None	30 (n)	More Than One (p)	Building Cov. 80%
CB	None	None	None	35 (m)	5	None	80	75	None	30 (n)	More Than One	Building Cov. 80%
ID	None	150	250	50 (m)	35 (o)	35 (g)	40	75 (k)	None	30 (n)	Same as for CB District	Building Cov. 40%
DEZ	5000 (1-F)	50	100	25 (c)	5	10	75	45 (w)	Max Height For Steeples & Towers 90 Feet	None		COVERAGE (Bld & Pk)
	7500 (2-F)	75	100									For Commercial: 75%
	10,000 (3-F)	100	100									For Residential: 65%
	10,000 (Multi) (u)											
	5000 (Townhouse) (v)											

- a.) If average depth of lot is less than 100', front yard needs to be no deeper than 25% of the average depth of lot.
- b.) If average depth of lot is less than 200', front yard needs to be no deeper than 25% of the average depth of lot.
- c.) Or 25% of the average depth of lot, whichever is less.
- d.) Minimum 5', add 1 foot for each 5 feet, or part thereof, of street frontage over 50' to a maximum of 15'.
- e.) All setbacks shall be increased by 1' for each foot in height in excess of 35'.
- f.) MFS: 10,000 sq ft for first unit; 2,000 sq ft for each additional unit.
- g.) Or 15% of the average depth of lot, whichever is less.
- h.) Minimum 5', add 1 foot for every 4' or part thereof, of street frontage over 49' to a maximum of 25'.
- i.) Or 35% of average depth of lot, whichever is less.
- j.) Add 1' for every 2' or part thereof in street frontage over 60' maximum of 25'.
- k.) Except Airport Approach Zone – Federal Aviation Admin height regs apply.
- l.) None required unless structures on adjacent lots have front yard setbacks – need not be any deeper than the average lots adjacent.
- m.) Or 20% of the average depth of the lot, whichever is less.
- n.) Or height of highest building, whichever is greater.
- o.) Minimum 5', add 1' for every 3' or part thereof increase in street frontage over 60' to a maximum of 35'.
- p.) Provided building(s) meet all setback requirements and are separated by a distance equivalent to the height of the higher building or 30', whichever is greater.
- q.) MFU: 5,000 sq ft for first unit; 1,500 sq ft for each additional unit.
- r.) Each setback shall be increased by 1' for each foot in height in excess of 45'.
- s.) Multi-Family Buildings: 10,000 sq ft of lot area for the first dwelling unit, and 2,000 sq ft of lot area for each additional dwelling unit; no lot shall be less than 100' in width and 100' in depth.
- t.) Townhouses: 5,000 sq ft minimum lot area, 5,000 sq ft of lot area + 1,500 sq ft minimum lot area per dwelling and not less than 50' in width and 100' in depth.

# Attachment 4

## DIVISION 7-B. - 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)

## 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)

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## DIVISION 7-A. – MODERATE DENSITY RESIDENTIAL DISTRICT

## Sec. 60-305. - Purpose.

This district is intended to allow moderate density residential development as proposed in the Comprehensive Plan. This district provides for and encourages a wide variety of residential types and a mixture of rental and home ownership and age friendly housing. This zone has a maximum density of 10 dwelling units per acre, and requires 25 percent usable open 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.

## 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.
- (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) Accessory Dwellings.
- (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.

## 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. 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
Multifamily	10 units per acre

Not less than 25 percent of the net acreage shall be devoted to useable open or green space. Usable open or green space shall be accessible to residents, shall not be steep sloped (over 10% slope), shall not include wetlands, may include paved or not, pedestrian walks or trails, and grassy, open area for play. 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.

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