



City Council Workshop & Meeting

Agenda

Tuesday, September 6, 2022

Auburn Hall, Council Chambers

5:30 P.M. City Council Workshop

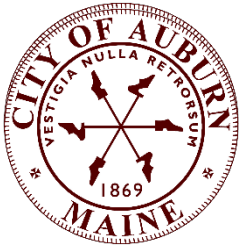
- A. Remote Policies for Boards & Committees – Brian Wood
- B. Executive session, economic development, pursuant to 1 M.R.S.A. §405(6)(C). Premature disclosure would prejudice the competitive or bargaining position of the City.
- C. Executive session, labor negotiations (IAFF and MSEA), pursuant to 1 M.R.S.A. §405(6)(D)
- D. Executive session, economic development, pursuant to 1 M.R.S.A. §405(6)(C). Premature disclosure would prejudice the competitive or bargaining position of the City.

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

Pledge of Allegiance

- I. **Consent Items** - All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.
 1. **Order 124-09062022***
Confirming Chief Moen's appointment of Corey David as Constable with firearm for the Auburn Police Department.
- II. **Minutes**
 - August 15, 2022, Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
 - Recognition – Landon Cogle in recognition of being selected as a Page for the US Senate
 - Recognition - Spirit of America
 - Communication - Age Friendly Community Committee Potato Give-away Report
 - Communication - Mayor's Ad-hoc Committee to Develop Permit Ready Housing Plans
 - Council Communications (about and to the community)
- IV. **Open Session** – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

- V. Unfinished Business - None**
- VI. New Business**
- 1. Resolve 04-09062022**
Accepting the final report from the Public Safety Building Ad-Hoc Committee.
 - 2. Resolve 05-09062022**
Supporting the Center Street Safety Action Plan Grant Application.
 - 3. Resolve 06-09062022**
Addressing the current housing shortage in Auburn by seeking an opinion from the Planning Board to consider eliminating income standards and current strip zoning limitations in areas outside of the Lake Auburn Watershed overlay.
 - 4. Referred Ordinance 08-03072022**
Repealing Ordinance 08-03072022 that was adopted on 3/21/2022 amending the zoning map and adjusting Article XII, Division 4, Sec. 60-751 Lake Auburn Watershed Overlay District Map.
 - 5. Order 125-09062022**
Allocating \$1,500,000.00 ARPA (American Rescue Plan Act) funding for home relief.
 - 6. Ordinance 20-09062022**
Amending the zoning district T-4.2B. Public hearing and first reading.
 - 7. Resolve 07-09062022**
Supporting the creation of an Ad-hoc/Public Infrastructure Committee.
 - 8. Order 126-09062022**
Allocating \$225,000 in ARPA (American Rescue Plan Act) funding for Accessory Dwelling Unit Development Program.
- VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda***
- VIII. Reports (from sub-committees to Council)**
- a. Mayor's Report
 - b. City Councilors' Reports
 - c. City Manager Report
- IX. Executive Sessions – None**
- X. Adjournment**



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: September 6, 2022

Author: Brian Wood, Assistant City Manager

Subject: Remote Policy for the City of Auburn Boards and Commissions

Information: The City of Auburn, to create uniform policies and practices amongst the various boards and commissions under the direction of the Auburn City Council, are exploring the creation and adoption of a single uniform policy for remote/ virtual engagement and participation. By creating a uniform policy it will create clarity for members and the public about participation, votes, absences, and other opaque actions that haven't caused confusion in the past.

City Budgetary Impacts: N/A

Staff Recommended Action: Staff recommends exploring this opportunity.

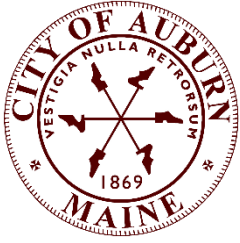
Previous Meetings and History: N/A

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments:



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: September 6, 2022

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C).

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

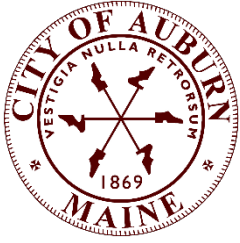
D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: September 6, 2022

Subject: Executive Session

Information: Labor negotiations (IAFF and MSEA), pursuant to 1 M.R.S.A. Section 405(6) (D).

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B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

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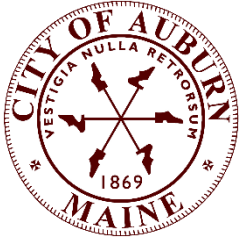
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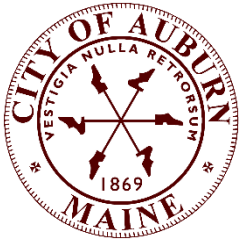
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**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: September 6, 2022

Order: 124-09062022

Author: Jason D. Moen, Chief of Police

Subject: Confirm Chief Moen's appointment of Corey David as a Constable with firearm for the Auburn Police Department.

Information: The Auburn Police Department requests that the City Council confirms Chief Moen's appointment of Corey David as a Constable with firearm for the City of Auburn.

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to confirm Chief Moen's appointment of Corey David as a Constable with firearm for the Auburn Police Department.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

N/A



ORDER 124-09062022

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby confirms Chief Moen's appointment of Corey David as Constable with firearm for the Auburn Police Department.

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

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

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

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

Pledge of Allegiance

I. Consent Items - None

II. Minutes - August 1, 2022, Regular Council Meeting

Motion was made by Councilor Staples and seconded by Councilor Walker to approve the minutes of the August 1, 2022, Regular Council Meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Washington Street Demonstration Safety Project – East Hardscrabble and Beech Hill/Danville Corner – Jonathan LaBonté
- Lake Auburn Watershed Report Sub Surface Wastewater – Eric Cousens
- Public Safety Building – Brian Wood
- Council Communications - None

IV. Open Session

Scott Berry, 179 Davis Avenue had comments and questions regarding the Lake Auburn Watershed Report Sub Surface Wastewater presentation.

Jim Lynch, 80 Shepley Street also had a question regarding the Lake Auburn Watershed Report Sub Surface Wastewater presentation.

Jennifer Goff Lynch, 80 Shepley Street spoke regarding a notice she received in the mail and asked if there would be public comment on upcoming zone changes.

Erica Gosselin, 48 Houghton Street stated she is unhappy with the Council and the lack of civic engagement like other people that have spoken.

Mary Fuller, Lake Auburn Avenue, stated that she isn't sure what these changes are.

Victoria Ballou, 106 Locksley Road, stated that she has concerns with the rezoning and she would like to see the information provided to the public in a format that was easier to understand what the proposed changes are. She asked why there couldn't be a third option.

V. Unfinished Business

1. Order 115-08012022

Authorizing the marketing of city owned property located at 115 Newbury Street. Parcel ID 221-055.

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

Public comment – No one from the public spoke.

Passage 7-0.

2. **Order 116-08012022**

Authorizing the marketing of city owned property located at 103 Newbury Street. Parcel ID 221-058.

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

Public comment – Andy Titus, applauds this going on, would like more in the packet to go over the process we use to market these properties.

Passage 7-0.

3. **Order 49-04042022**

Authorizing the proposed Charter amendments be placed on a referendum ballot and submitted to the voters of Auburn at the November 8, 2022, Election. Public hearing and vote.

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

Public hearing – No one from the public spoke.

Passage 7-0.

VI. New Business

1. **Order 122-08152022**

Approving the Incorporated Civic Organization Liquor License application for the City of Auburn, for the Riverwalk Blues & Brews Festival scheduled for September 10, 2022, in the Festival Plaza/Main Street area.

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

Public comment – No one from the public spoke.

Passage 7-0.

2. **Order 123-08152022**

Authorizing the City Clerk to waive the \$75 business licensing fee (Peddler License) as requested by the Maine Blues Society, for the Riverwalk Blues and Brews Festival scheduled for September 10, 2022.

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

Public comment – No one from the public spoke.

Passage 7-0.

VII. Open Session - No one from the public spoke.

VIII. Reports (from sub-committees to Council)

Mayor Levesque announced that he will be on the next Legislative Policy Committee for the Maine Municipal Association (MMA), representing the City of Auburn.

Councilor Staples reported that the Lewiston Auburn Transit Committee (LATC) was cancelled this month and the Auburn Public Library board will meet on Tuesday.

IX. Executive Sessions – None

X. Adjournment

Motion was made by Councilor Milks and seconded by Councilor Morin to adjourn. Unanimously approved. The meeting adjourned at 8:49 PM.

A TRUE COPY

ATTEST



Susan Clements-Dallaire, City Clerk

Age-Friendly Community Committee
Potato Give-away Report
As of August 29, 2022

On or about April 25, 2022, I met with David Bell and discussed a new program for people who are faced with food insecurity. The discussion involved his donating approximately 4000 lbs of potatoes per month to be given away. The program ended on July 26, 2022.

Since that time, we have given away 185 50 lb bags of potatoes, which equals 1850 5 lb bags. That equals 9,250 lbs, or 4.5 tons of potatoes. All for FREE.

At the current rate of \$16.50 per 50 lb. bag, the cost for these potatoes would have been \$3,052.50.

The new rate for this fall will be \$20.00/50 lb. bag., bringing the cost to \$3,700.00 (regular price.)

David Bell is now proposing that he sell us potatoes at a drastically discounted rate (to be negotiated.) Funding has not been determined at this point, but we are hoping that the City Manager, Phil Crowell, will be able to help us to find a funding source for this badly needed program for people with food insecurity.

This has hit home for many people, and they have come to rely on this program to feed themselves and their families. We have provided potatoes to the Boys and Girls Club, PAL, First Auburn, New Auburn and Robin Dow Senior Citizens Clubs, several churches, and have even given some to St. Mary's hospital patients and employees.

The recommendation from the Age-Friendly Community Committee would be that the CDBG department undertake this program through their funding so that we can continue the potato give-away.

We are estimating that we will go through approximately 5000 50 lb. bags of potatoes in the coming season. Potatoes are a food staple for most families, which is why it is so important to make sure people have this opportunity.

Here is the math: 5000 50lb. bags = 250,000 lbs of potatoes ÷ 10 bags in each 50 lb bag = 25,000 bags of potatoes to be given away.

Respectfully submitted:

Leroy Walker, Sr.
Chair

Jan Biron
Secretary



City of Auburn, Maine

Mayor Jason J. Levesque

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

September 1, 2022

Memorandum: Mayors Ad Hoc Committee to develop permit ready housing plans

To: Auburn City Council, Auburn Planning Board, City Manager Crowell

CC: City Staff

As Auburn continues to experience high demand for multiple housing types coupled with our continual comprehensive plan implementation, we are faced with multiple questions on what type of home, how many units are allowable and who could design such a building are becoming common.

We are also faced with residents justified concerns that new construction will not fit into the current neighborhood aesthetic. In order to alleviate neighborhood concerns and provide a guide to builders, I am forming an Ad Hoc committee charged with the following: develop shovel ready building plans that will be offered as permit ready, and free of charge. Several plans should be developed for each of the following categories:

1. Townhome style homes, stand alone or up to a four pack
2. Detached ADU's
3. Single family homes on historically non-conforming lots (minimum road frontage)
4. Duplexes, triplexes, and fourplexes

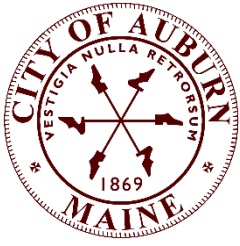
The make up of this committee will be as follows:

1. Two residents from each of our five wards
2. Two planning board members chosen by either the Chair or by vote of the body
3. City staff as deemed appropriate by the City Manager
4. A paid architectural firm to be chosen through the city policy

I have asked the City manager to present an RFP and budget for the architectural firm at our next meeting for council approval.

Timeframe will be determined by the Ad Hoc committee, but the goal is to submit the plans to the planning board for approval or modification by February 2023.

While choosing a plan from this list shall not be a mandatory condition of construction, by offering these shovel ready plans free of charge to builders, the intent is to expedite and make new construction more cost effective while guiding style to what is acceptable within the neighborhoods that they will be built within.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: September 6, 2022

Resolve: 04-09062022

Author: Brian Wood, Assistant City Manager

Subject: Accepting the final report from the Public Safety Building Ad-Hoc Committee

Information:

The Auburn City Council voted to create the Ad-Hoc Public Safety Building Committee to work with staff and qualified consultants to advise the City Manager and City Council on the preferred site, design and probable cost estimates for a new Engine 2 Fire Station, design and probable cost estimates for a combined Police and Fire Public Safety Building and building upgrades at Engine 5 Fire Station. The final report has been submitted and the recommendation of the staff and committee is for City Council to officially accept the final report.

City Budgetary Impacts: N/A

Staff Recommended Action: Accept the final report

Previous Meetings and History: Several Council workshops and presentations have been held (June 6, June 27, July 18, August 1, and August 15, 20022).

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:



City Council Resolve

IN CITY COUNCIL

RESOLVED, by the Council of the City of Auburn, Maine, in City Council assembled, that,

WHEREAS, in 2011 the Auburn Police Department relocated to Auburn City Hall as a temporary solution due to space needs; and,

WHEREAS, in 2017 the Auburn Public Safety Team and consultants conducted a space needs analysis based on current usage and future needs along with extensive site evaluations; and,

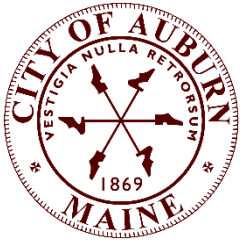
WHEREAS, in 2019 the CIP funding secured to address deficiencies with the police locker room and facilities at City Hall were higher than anticipated those funds were allocated to a comprehensive facilities assessment of all public safety facilities; and,

WHEREAS, on September 7, 2021 the Auburn City Council voted to create the Ad-Hoc Public Safety Building Committee to work with staff, consultants and members of the public to advise the City Manager and City Council on the preferred site, design and cost estimates for a new Engine 2 Fire Station, combined Police and Fire Public Safety Building and upgrade to Engine 5 Fire Station; and,

WHEREAS, the Public Safety Ad-Hoc committee reviewed all previous work done by consultants and reviewed all recommendations by city staff over the course of a 6 month period; and,

WHEREAS, a final report and recommendation was presented to the Auburn City Council on September 16, 2022; and,

NOW, THEREFORE, BE IT RESOLVED, by the Auburn City Council in City Assemble, officially thank all the participants for their hard work and dedication to the process and accept the final report from the Public Safety Building Ad-Hoc Committee in its entirety and will act upon the recommendations at a time and in a manner determined by the City Council.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: September 6, 2022

Resolve: 05-09062022

Author: Jonathan P. LaBonte, Transportation Systems Director

Subject: Safe Streets and Roads for All Resolve in support of AVCOG/ATRC Application

Information: A resolve has been included for City Council consideration that highlights the current state of vehicular crashes, fatalities, and injuries within the community and the proposed framework to prioritize planning for solutions along the Center Street and Mount Auburn Avenue corridors through a new program included with the federal Bipartisan Infrastructure Law.

City Budgetary Impacts: \$20,000 in local match, available within the existing Engineering Department appropriation

Staff Recommended Action:

Previous Meetings and History:

August 15, 2022 City Council Workshop – Transportation Safety Initiatives Briefing

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:

2021 Transportation Chapter of the Comprehensive Plan (includes references to corridor safety):

https://www.auburnmaine.gov/CMSContent/Planning/CompPlan/APPROVED061621_Comp.PlanTransportationChapter.pdf

2019 Heads Up Pedestrian Safety Plan (includes references to corridor safety):

https://www.auburnmaine.gov/CMSContent/Planning/Studies_and_Reports/Auburn%20Pedestrian%20Mitigation%20Plan_Final.pdf

2014 ATRC Funded Arterials Analysis (included references to corridor safety):

<http://avcog.org/DocumentCenter/View/2412/Task-1-Arterial-Analysis---Final-Draft?bidId=>

2009 Center Street Traffic Management Study

https://www.auburnmaine.gov/CMSContent/Planning/Studies_and_Reports/Gorrill-Palmer_2009_Center_Street_Traffic_Management_Study.pdf



City Council Resolve

IN CITY COUNCIL

WHEREAS, as part of the new Bipartisan Infrastructure Law, the, Infrastructure Investment and Jobs Act (IIJA), there is over \$1 billion of roadway safety funding available in the form of the Safe Streets and Roads for All (SS4A) program; and

WHEREAS, between 2012 and 2022, approximately 9,000 crashes occurred on Auburn's streets, with 22 of those crashes involving a fatality and 2,238 involving personal injury; and

WHEREAS, the city, in coordination with community stakeholders, can aid in preventing these types of tragedies by taking a proactive, preventative approach that prioritizes transportation safety as public health issue in planning and investment decisions, and

WHEREAS, Vision Zero, a strategy supported by the Federal Highway Administration (FHWA), aims to eliminate all traffic fatalities and severe injuries while increasing safe, healthy, and equitable mobility for all and is a framework that has successfully reduced fatalities and serious injuries in cities where it has been implemented, and

WHEREAS, the Center Street/Route 4 and Mt. Auburn Avenue/Veteran's Memorial Bridge corridors have been identified as having multiple high crash locations, limited bicycle and pedestrian access, and have been prioritized in 2021 Comprehensive Plan for investments focused on safety and mobility for all users; and

WHEREAS, the Androscoggin Transportation Resource Center (ATRC), the metropolitan planning organization for our urban area can apply for a SS4A grant to develop an Action Plan for the Center Street and Mt. Auburn Avenue corridors; and

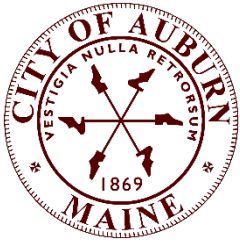
WHEREAS, the Auburn City Council commits to achieve significant declines in roadway fatalities and serious injuries along these corridors and others citywide; and

NOW THEREFORE BE IT RESOLVED, that the Auburn City Council supports the submission of the SS4A grant and the engagement of residents, businesses, and all users of these corridors in creating an Action Plan if awarded.

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

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

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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: September 6, 2022

Resolve: 06-09062022

Author: Sue Clements-Dallaire, City Clerk

Subject: Resolve directing the Planning Board to provide an opinion on whether to eliminate the income standard and current strip zoning limitations in all areas outside of the Lake Auburn Watershed Overlay.

Information: This resolve is to direct the Planning Board to provide an opinion, no later than 12/15/2022 on whether to eliminate the income standard and the current strip zoning limitations in all areas outside of the Lake Auburn Watershed overlay in an effort to try to help address the housing shortage and demand upon existing housing stock.

City Budgetary Impacts: N/A

Staff Recommended Action: Consider passage of resolve

Previous Meetings and History: N/A

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments:



City Council Resolve

IN CITY COUNCIL

Whereas the City of Auburn is experiencing tremendous demand upon existing housing stock causing values to significantly increase.

Whereas the City of Auburn, State of Maine and most parts of the United States is experiencing a significant housing shortage.

Whereas the City of Auburn has over 20,000 acres of under or undeveloped land, with a significant percentage serviced by some infrastructure such as roads, trash, police, and fire protection, which is on average more served than similar rural communities.

Whereas there are certain impediments that are restricting natural growth of homes on this privately held land within the Agriculture and Resource Protection Zone or within an arbitrary residential strip of 300' in depth.

Whereas the City of Auburn Planning Department has received numerous requests to petition to Planning Board to change zoning in order to construct a residence, these numerous requests must be heard but will produce a significant burden upon staff and Planning Bboard.

Whereas the 2018 third party Cross Roads study of the viability of our rural land recommended elimination of the income standard as a condition to build a residence.

Whereas the income standard was not repealed but modified from 50% of a family's income to 30% of an individual's income being derived from agriculture activities as a condition to build a residence in 2019 without any increase in number of new farms created.

Whereas the Comprehensive plan of 2021 states "it is understood that agriculture and forestry may not be profitable in some areas of the city and the existing Agriculture and Resource Protection zoning, in some cases, eliminates the economic use of private land."

Whereas LD 2003 allows the building of 2 units on a parcel located in an area that allows residences. This State law supersedes local ordinance and will be in effect in July of 2023.

Whereas the Lake Auburn Watershed requires conservation measures to protect Lake Auburn and therefore the greater good supersedes the individual's economic benefits unless those within the watershed petition the Planning Board directly for a zone change and can

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Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



City Council Resolve

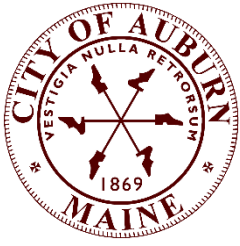
demonstrate that any development will not negatively impact the regions primary source of drinking water.

Therefore, be it resolved that the City Council directs the Planning Board to provide an opinion, no later than December 15th, 2022, on whether or not to eliminate the income standard and the current strip zoning limitations in all areas outside of the Lake Auburn Watershed overlay.

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

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

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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: September 6, 2022

Referred Ordinance: 08-03072022

Author: Sue Clements-Dallaire, City Clerk

Subject: Action on Citizen Petition and Potential Repeal of Ordinance 08-03072022

Information: On March 21, 2022, the City Council adopted Ordinance 08-03072022, amending the zoning map of 148 acres of Agriculture and Resource Protection (AG) to General Business (Parcel ID 289-001 and 289-002) of the Zoning Map and adjust the Article XII, Division 4, Sec. 60-951 Lake Auburn Overlay District map as proposed in the 2021 FB Environmental Report know as Lake Auburn-A Regulatory, Environmental, and Economic Analysis of Water Supply Protection.

On April 20, 2022, an affidavit to form a Petitioner's Committee was filed with the City Clerk. On April 25, 2022, petition blanks were issued. The deadline for the petition to be filed with the City Clerk was July 25, 2022. The petition was filed with the City Clerk on July 21, 2022. At that point, pursuant to Sec. 9.5 of the Charter, the Ordinance was suspended from taking effect.

The total number of valid signatures required was 1,647. See Charter Sec. 9.3(A). The petition was reviewed, and signatures validated; the petition was certified to be sufficient, with 1,981 valid signatures and 135 invalid signatures, on August 9, 2022. The City Clerk then issued a Certificate of Sufficiency of Petition and provided a copy to the Petitioners' Committee's contact person, Keri Myrick, on August 9, 2022.

Once the petition is determined to be sufficient, pursuant to Sec. 9.6 of the Charter, the City Council shall promptly consider voting to repeal the ordinance. If the Council fails to repeal the ordinance within 30 days after the date the petition was finally determined to be sufficient, it must submit the Ordinance to the voters of the City.

A proposed motion to act to repeal the ordinance is as follows: "I move that the ordinance specified in the referendum petition (Ordinance 08-03072022) be repealed."

If the repeal motion fails, it means that the Ordinance must be sent to the voters for a City-wide referendum vote. The timing of the referendum election is dictated by Sec. 9.6(B) of the Charter: the referendum election must be held "not less than one hundred twenty (120) days and not later than six (6) months from the date of the final city council vote thereon". If the City Council is ready on September 6, 2022, to set the date for the referendum election, a motion in substantially the same form as follows ought to be made: "I move that the ordinance specified in the referendum petition (Ordinance 08-03072022) be sent to a referendum vote to be held on _____, 202__." The timeframe to hold the special election would be no sooner than January 4, 2023, but no later than March 6, 2023.

City Budgetary Impacts: N/A

Staff Recommended Action: Consider the repeal of Ordinance 08-03072022.

Previous Meetings and History: On March 21, 2022, Council adopted Ordinance 08-03072022.

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: Ordinance 08-03072022; copy of petition blanks; copy of affidavit to form a Petitioner's Committee; Certificate of Sufficiency of Petition; Article IX of the City Charter; Referred Ordinance 08-03072022.

APR 20 2022

12 pm

CITY OF AUBURN

INITIATIVE, REFERENDUM, AND RECALL

Shall the following zoning ordinance and map adopted by the City Council on March 21, 2022 be REPEALED: Ordinance **08-03072022**,

“Amending the Zoning Map and Adjusting Article XII, Division 4, Sec. 60-951 Lake Auburn Watershed Overlay District Map.”

List of five registered voters filing this affidavit stating they will constitute a petitioners’ committee.

1. I, Keri L. Myrick, do swear and affirm that I will constitute the petitioners’ committee and be responsible for circulating the petition and filing it in proper form.

NAME Keri Myrick

ADDRESS 1010 Summer St.; Auburn ME 04210

PHONE 207-344-7484

SIGNATURE



Sworn to and subscribed before me, Julie M. Bertrand, notary public, this 7 day of April, 2022.

Julie Bertrand

JULIE M. BERTRAND
Notary Public, State of Maine
My Commission Expires August 6, 2022

2. I, Peter Dingley, do swear and affirm that I will constitute the petitioners’ committee and be responsible for circulating the petition and filing it in proper form.

NAME Peter Dingley

ADDRESS 1017 Summer St.; Auburn ME 04210

PHONE 1-305-240-1633

SIGNATURE



Sworn to and subscribed before me, Julie M. Bertrand, notary public, this 7 Day of April 2022.

Julie Bertand

JULIE M. BERTRAND
Notary Public, State of Maine
My Commission Expires August 6, 2022

APR 20 2022
12 pm

3. I, Frederick Holler, do swear and affirm that I will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form.

NAME Frederick Holler

ADDRESS 352 West Auburn Road; Auburn ME 04210

PHONE

SIGNATURE Frederick Holler

Sworn to and subscribed before me, Julie M. Bertrand, notary public,
this 7 day of April 2022. Julie Bertand

JULIE M. BERTRAND
Notary Public, State of Maine
My Commission Expires August 6, 2022

4. I, Stanwood Gray, do swear and affirm that I will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form.

NAME Stanwood Gray

ADDRESS 1200 Sopers Mill Road, Auburn ME 04210

PHONE 207-615-6957

SIGNATURE Stanwood Gray

Sworn to and subscribed before me, Julie M. Bertrand, notary public,
this 7 day of April 2022. Julie Bertand

JULIE M. BERTRAND
Notary Public, State of Maine
My Commission Expires August 6, 2022

APR 20 2022

12 pm

5. I, Celia McGuckian, do swear and affirm that I will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form.

NAME Celia McGuckian

ADDRESS 10 Fairmount Avenue; Auburn ME 04210

PHONE 207-786-3979

SIGNATURE 

Sworn to and subscribed before me, , notary public,
this 7 day of April 2022. Julie Bertrand

JULIE M. BERTRAND
Notary Public, State of Maine
My Commission Expires August 6, 2022

All notices to this committee are to be sent to the following (list name and address):

Name: Keri L. Myrick

Address: 1010 Summer St, Auburn ME 04210



City Council Ordinance

IN CITY COUNCIL

Amending the Zoning Map and Adjusting Article XII, Division 4, Sec. 60-951 Lake Auburn Watershed Overlay District Map

Be it ordained, that the City Council approve the amendment to the Zoning Map of 148 acres of Agriculture and Resource Protection (AG) to General Business (Parcel ID 289-001 and 289-002) of the Zoning Map and adjust the Article XII, Division 4, Sec. 60-951 Lake Auburn Watershed Overlay District map as proposed in the 2021 FB Environmental Report known as Lake Auburn-A Regulatory, Environmental, and Economic Analysis of Water Supply Protection.

A TRUE COPY

ATTEST *Susan Clements-Dallaire* 4/22/2022
Susan Clements-Dallaire, City Clerk Date



Passage of first reading on 3/7/2022, 4-3 (Councilors Staples, Gerry, and Whiting opposed).

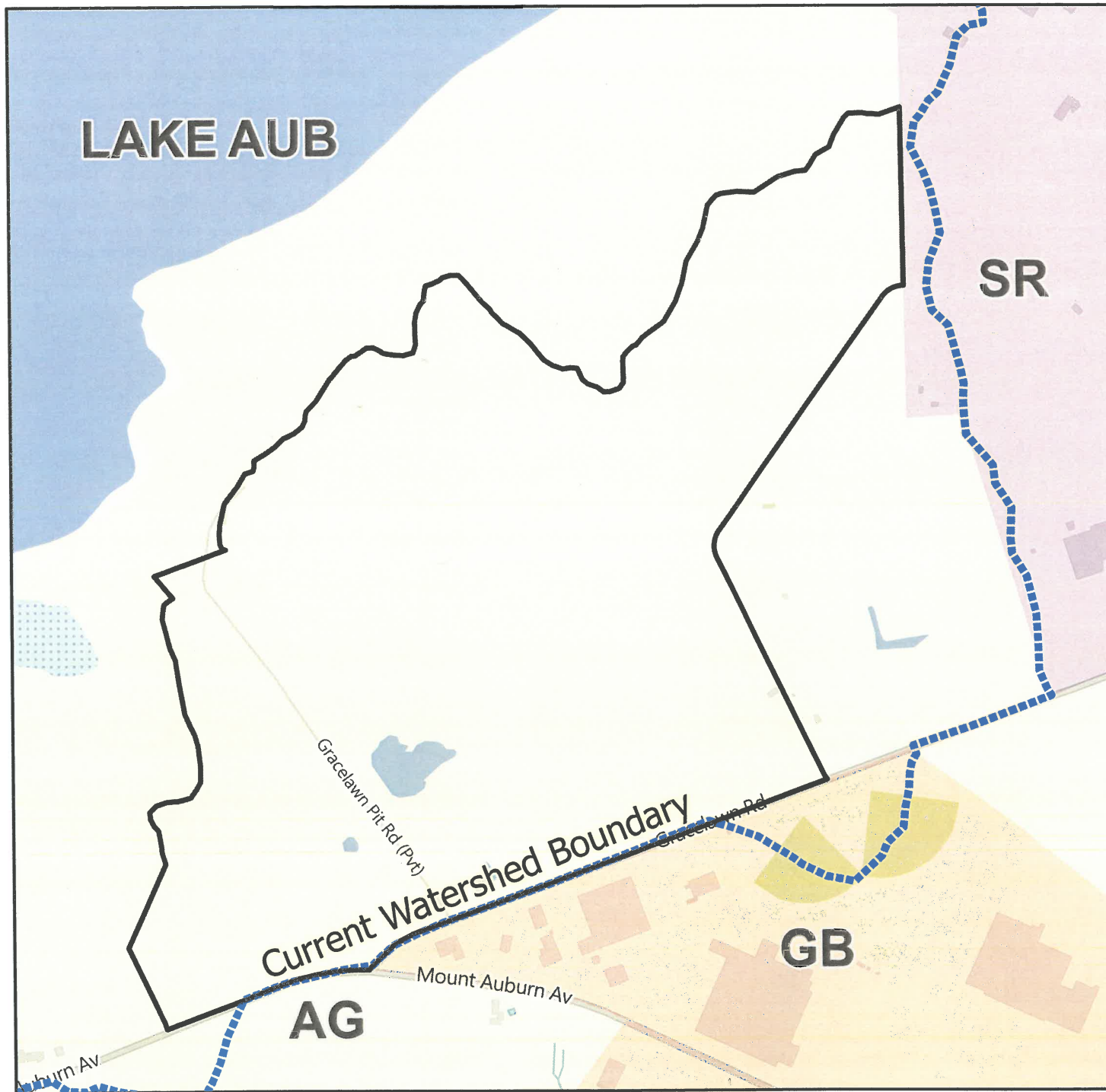
Passage of second reading on 3/21/2022, as amended, 4-3 (Councilors Staples, Gerry, and Whiting opposed).

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

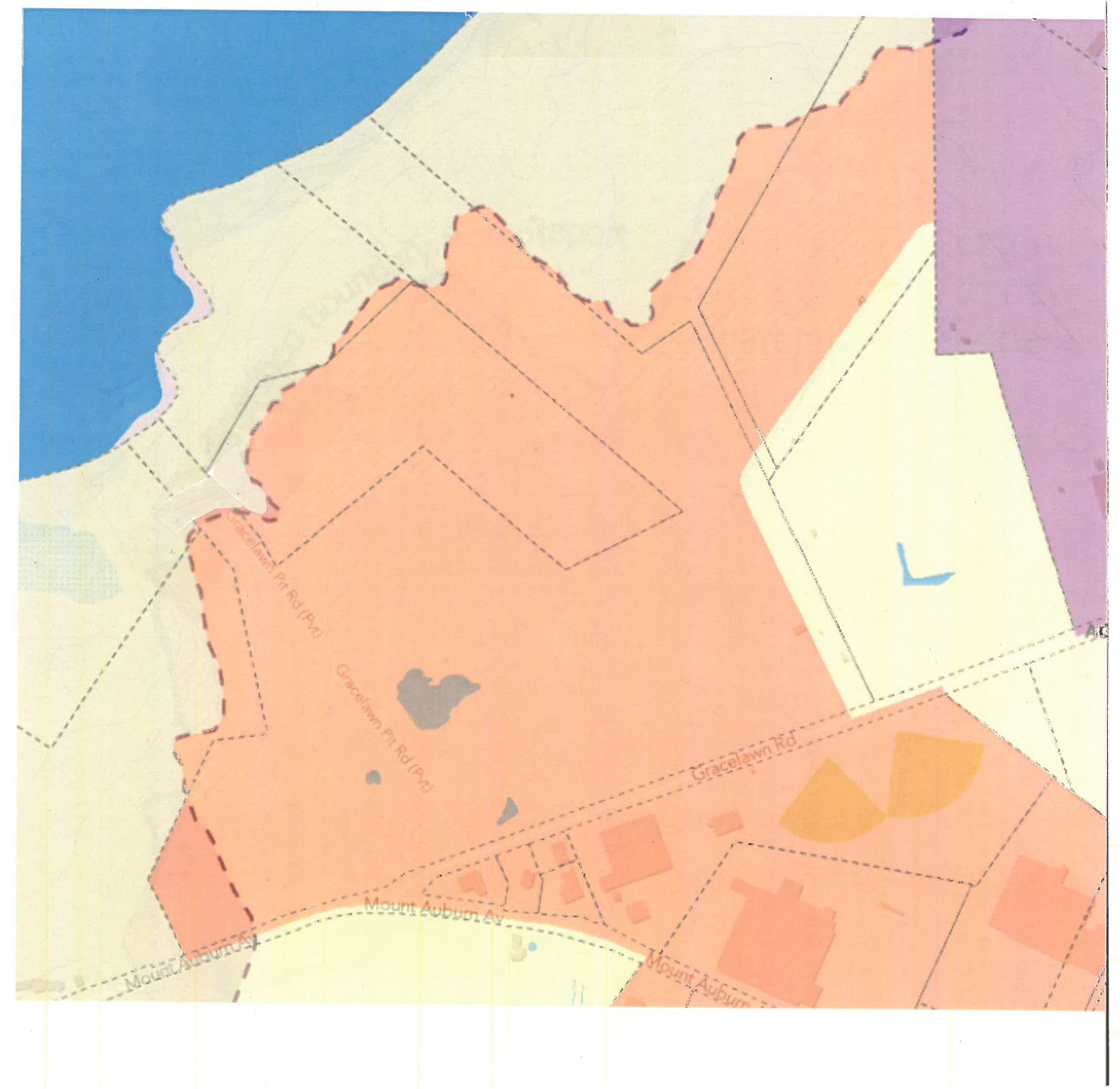
Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

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










Gracelawn: Exhibit A



Current Zoning



Proposed Change

<ul style="list-style-type: none">  Current Watershed Boundary  Watershed Boundary from Report 	<p>Recommended Zoning Updates</p> <ul style="list-style-type: none">  Comp Plan to CDD  Extend to new watershed boundary 	<p>Current Zoning</p> <ul style="list-style-type: none">  AG - Agriculture and Resource Protection  GB - General Business  RR - Rural Residential  SR - Suburban Residential  Change Area
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Ms. Susan Clements-Dallaire, City Clerk

City of Auburn, Maine

60 Court Street

Auburn, Maine 04210

Dear Ms. Cléments-Dallaire,

Accompanying this letter are 102 certified referendum petition papers bearing a total of 2120 signatures of registered Auburn voters which are being collectively filed as a single petition. This petition seeks the repeal of Auburn Ordinance 08-03072022 which amends the city's zoning map and modifies the boundary of the Lake Auburn Watershed Overlay District Map. This petition is being filed by the committee created by affidavit filed with your office on April 20, 2022, and which has come to be known informally as the Committee to Protect Lake Auburn. The number of signatures on the petition exceeds 10% of the number of registered voters of the City on the date the committee filed its affidavit. Each of the petition papers incorporates two Circulator's Affidavits; the first printed on the reverse side on the petition and an attached second affidavit which tracks the requirements of the present City Charter.

Please proceed to review these petition documents in accordance with Section 9.4 of the Charter and issue your certificate accordingly. Please notify the appropriate officials of Auburn city government as soon as possible, including those officials responsible for issuing and/or acting on permits, that Ordinance 08-03072022 is now suspended, effective upon the filing of these collective petition papers, until one of the further actions set forth in Section 9.5 of the Charter has been completed.

Thank you for your assistance in this petition process.

A handwritten signature in blue ink, appearing to be 'Keri Myrick', with a long horizontal line extending to the right.

Keri Myrick, for the committee



CERTIFICATE OF SUFFICIENCY OF PETITIONS

PETITION TO REPEAL ORDINANCE 08-03072022, AMENDING THE ZONING MAP AND ADJUSTING ARTICLE XII, DIVISION 4, SEC. 60-951 LAKE AUBURN WATERSHED OVERLAY DISTRICT MAP.

Date petitions issued to Petitioner's Committee: **April 25, 2022**

Number of valid signatures required: **1,647**

Deadline to file petitions with the City Clerk (90 days after petition blanks are provided): **July 25, 2022**

Date petitions were filed with the City Clerk: **July 21, 2022**

Deadline for City Clerk to complete a certificate of sufficiency: **August 10, 2022**

Number of petitions certified: **102 of 102 submitted**

Number of signatures verified: **2,116**

Number of valid signatures: **1,981**

Number of invalid signatures: **135**

I, Susan Clements-Dallaire, Auburn City Clerk, hereby declare that the Petition submitted to Repeal **Ordinance 08-03072022, Amending the Zoning Map, and adjusting Article XII, Division 4, Sec. 60-951 Lake Auburn Watershed Overlay District Map**, meets the requirements and contains a sufficient number of valid signatures pursuant to Article IX, Sec. 9.3 of the Auburn City Charter.

ATTEST:

Susan Clements-Dallaire 8/9/2022

Susan Clements-Dallaire, City Clerk

Date

Office of the City Clerk

60 Court Street | Auburn, Maine 04210 | www.auburnmaine.gov | 207.333.6601 Ext. 1126

ARTICLE IX. - INITIATIVE, REFERENDUM, AND RECALL

Sec. 9.1. - General authority.

- A. *Initiative.* The registered voters of the city shall have the power to propose ordinances, orders, and resolves to the city council and, if the city council fails to adopt the matter proposed without any change in substance, to adopt or reject it at a city election, provided that such power shall not extend to the budget or capital program or any ordinance, order, or resolve relating to appropriation of money, levy of taxes, or salaries of city officers or employees. An initiative which fails to win a majority vote in a citywide election may not be the subject of another initiative for at least six months after the citywide election in which it failed.
- B. *Referendum.* The registered voters of the city shall have power to require reconsideration by the city council of any adopted ordinance, order, or resolve and, if the city council fails to repeal the matter so reconsidered, to approve or reject it at a city election, provided that such power shall not extend to the budget or capital program or any emergency ordinance or ordinance, order, or resolve relating to appropriation of money or levy of taxes. A referendum which fails to win a majority vote in a citywide election may not be the subject of another referendum for at least six months after the citywide election in which it failed.
- C. *Recall.* The registered voters of the city shall have the power to recall any elected official, but no recall petition shall be filed against any official within six months after the official takes office, nor, in the case of an official subjected to a recall election and not removed, until at least six months after the recall election.

Sec. 9.2. - Commencement of proceedings.

- [A.] Any five registered voters may commence initiative, referendum, or recall proceedings by filing with the city clerk an affidavit stating they will constitute a petitioners' committee and be responsible for circulating the petition, filing it in proper form, stating their names and addresses, and specifying the address to which all notices to the committee are to be sent, as well as setting out in full the proposed initiative ordinance, order, or resolve or citing the ordinance, or other matter sought to be reconsidered, or the elected official proposed to be recalled, together with a statement not to exceed 200 words, of the reasons for the recall. Grounds for the recall should relate to and affect the administration of the official's office and be of a substantial nature directly affecting the rights and interest of the public. Promptly after receipt of a recall petition, the city clerk shall serve, personally or by certified mail, return receipt requested, restricted delivery, a copy of the affidavit on the elected official sought to be recalled. Within ten days of the copy's delivery, refusal, or being unclaimed, the elected official sought to be recalled may file a statement with the city clerk not to exceed 200 words in response.
- [B.] Promptly after the affidavit of the petitioners' committee is filed, the city clerk shall issue appropriate petition blanks to the petitioners' committee.

Sec. 9.3. - Petitions.

- A. *Number of signatures.* Initiative and referendum petitions must be signed by registered voters of the city equal in number to at least ten percent of the number of registered voters as of the date on which the petitioners' committee filed its affidavit. Recall petitions must be signed by at least 15 percent of the number of registered voters as of the date on which the petitioners' committee filed its affidavit.
- B. *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached during their

circulation the full text of the ordinance, order, or resolve proposed or sought to be reconsidered or the name of the elected official proposed to be recalled and the reasons for that action. Petitions for recall shall be limited to the recall of one individual and shall contain the statement of grounds for the recall and the response of the official sought to be recalled, if any. If no response was filed, the petition shall state that fact.

- C. *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit signed by the circulator stating the number of signatures as well as that the circulator:
- (a.) Is a resident of the city;
 - (b.) Personally circulated the paper;
 - (c.) Had all the signatures signed in the circulator's presence;
 - (d.) Believes the signatures are the genuine signature of the persons; and
 - (e.) That each signer had an opportunity before signing to read the full text of the ordinance proposed or to be reconsidered or the name of the elected official proposed to be recalled and the statements of both the official and the petitioners' committee.
- D. *Time for filing.* Referendum affidavits must be filed within 30 days after adoption by the city council of the ordinance, order, or resolve sought to be reconsidered. petitions for initiative, referendum and recall must be filed with the city clerk within 90 days of the city clerk's issuance of petitions, otherwise the petitions expire.

Sec. 9.4. - Procedure after filing.

- A. *Certificate of city clerk; amendment.* Within 20 days after the petition is filed, the city clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail, return receipt requested, restricted delivery. A petition certified insufficient for lack of the required number of valid signatures may be amended once, if the petitioners' committee files a notice of intention to amend it with the city clerk within five days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections B and C of section [9.]3 above. Within five days after the supplementary petition is filed, the city clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail, return receipt requested, restricted delivery, as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request city council review under subsection B of this section within the time required, the city clerk shall promptly present the certificate to the city council and the certificate shall then be a final determination as to the sufficiency of the petition.
- B. *City council review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it, or if an amended petition has been certified insufficient, the committee may, within two days after receiving the copy of such certificate, file a request for review by the city council. The city council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it. The city council's determination shall be a final determination as to the sufficiency of the petition. The official proposed to be recalled shall not participate in any proceedings regarding the petition or the election.
- C. *Court review; new petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Sec. 9.5. - Referendum petitions; suspension of effect.

When a referendum petition is filed with the city clerk, the ordinance, order, or resolve sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- a. There is a final determination of insufficiency of the petition; or
- b. The petitioners' committee withdraws the petition; or
- c. The city council repeals the ordinance, order, or resolve; or
- d. Thirty days have elapsed after a vote of the city on the ordinance, order, or resolve.

Sec. 9.6. - Action on petitions.

- A. *Action by city council.* When an initiative or referendum petition has been fully determined sufficient, the city council shall promptly consider the proposed initiative ordinance, order, or resolve in the manner provided in article 2 or reconsider the referred ordinance, order, or resolve by voting its repeal. If the city council fails to adopt a proposed initiative ordinance, order, or resolve without any change in substance within 60 days or fails to repeal the referred ordinance, order, or resolve within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred matter to the voters of the city.
- B. *Submission to voters.* The vote of the city on a proposed or referred ordinance, order, or resolve shall be held not less than 120 days and not later than six months from the date of the final city council vote thereon. In the case of a recall petition, the election shall be held not later than six months after the petition is finally determined to be sufficient. If no regular city election is to be held within the period prescribed in this subsection, the city council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election except that the city council may, in its discretion, provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred matter shall be available for view at the polls.
- C. *Withdrawal of petition.* An initiative, referendum, or recall petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the city, by filing with the city clerk a request for withdrawal signed by at least four members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

Sec. 9.7. - Results of election.

- A. *Initiative.* If a majority of the registered voters voting on a proposed initiative ordinance, order, or resolve vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances, orders, or resolves of the same kind adopted by the city council. If conflicting ordinances, orders, or resolves are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.
- B. *Referendum.* If a majority of the registered voters voting on a referred ordinance, order, or resolve vote for repeal, it shall be considered repealed upon certification of the election results.
- C. *Recall.* If a majority of the registered voters voting on a recall petition vote in favor of the petition, the office of the recalled official shall become vacant upon certification of the election results. If the election results or procedure is legally challenged by the recalled official, that person's right to serve in that office shall be suspended and the city shall not compensate that official pending the resolution of the legal proceeding.



City Council Ordinance

IN CITY COUNCIL

Repealing Ordinance 08-03072022 adopted on 3/21/2022 amending the zoning map and adjusting Article XII, Division 4, Sec. 60-951 Lake Auburn Watershed Overlay District Map

Whereas, the City Council adopted Ordinance 08-03072022 on 3/21/2022 amending the zoning map of 148 acres of Agriculture and Resource Protection (AG) to General Business (Parcel ID 289-001 and 289-002) of the Zoning Map and adjust the Article XII, Division 4, Sec. 60-951 Lake Auburn Overlay District map as proposed in the 2021 FB Environmental Report know as Lake Auburn-A Regulatory, Environmental, and Economic Analysis of Water Supply Protection; and

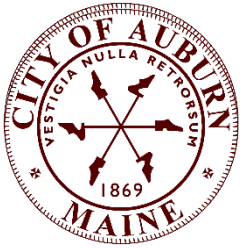
Whereas, a Petitioners' Committee was formed to gather a minimum of 1,647 signatures of registered voters in the City of Auburn in an effort to repeal said Ordinance; and

Whereas, the petition was filed with the City Clerk on July 21, 2022 and determined to be sufficient on August 9, 2022; and

Whereas, Section 9.6 of the Charter provides that when a referendum petition has been determined to be sufficient, the City Council shall promptly consider voting to repeal the referred ordinance; and

Whereas, if the City Council fails to repeal the referred ordinance within 30 days after the date the petition was finally determined to be sufficient, the City Council shall submit the referred ordinance to the voters of the City;

NOW, THEREFORE, be it ordained that the City Council hereby repeals Ordinance 08-03072022 that was adopted on March 21, 2022.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: September 6, 2022

Order: 125-09062022

Author: Brian Wood, Assistant City Manager

Subject: Homeowner Relief Program 2022

Information:

The City of Auburn, in response to the market adjustment, is seeking to offset a portion of the increase many residents saw in their 2022-2023 tax bill. This response to the market adjustment will provide one time relief funding for Auburn residents. The details of this the program and eligibility will be created by the staff of the City of Auburn; however the anticipated goal is to provide \$300.00 dollar checks for single family dwellings and multifamily units that are owner occupied that are currently receiving the Homestead exemption. The Council will allocate \$1,500,000.00 from the American Rescue Plan Act (ARPA) funds to cover the cost of this initiative.

City Budgetary Impacts: N/A

Staff Recommended Action: Staff recommends exploring this opportunity.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:



ORDER 125-09062022

City Council Order

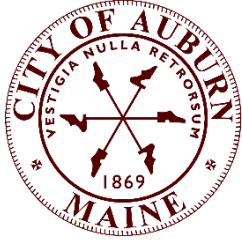
IN CITY COUNCIL

ORDERED, that the City of Auburn City Council provide one time relief funding for Auburn residents in direct recognition of the market adjustment made in the spring and summer of 2022. This stabilization effort has resulted in varying tax increases for the residents of Auburn. The Auburn City Council orders the allocation of \$1,500,000.00 from the American Rescue Plan Act (ARPA) funds for one time relief checks and associated implementation costs.

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

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

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



**City of Auburn
City Council Information Sheet**

Council Public Hearing or Meeting Date: September 6, 2022

Ordinance: 20-09062022

Author: Eric Cousens, Director of Planning and Permitting

Subject: Zoning Text and Map Amendments to Create the Traditional Neighborhood Form Based Code T-4.2B zoning district and to include 1,687.41 acres of property located in the Court Street/City Residential Core area of the City within the new zoning district.

Information: The property to be rezoned is currently located in the Urban Residence zoning district and is further identified on the Proposed Official Zoning Map dated 7/6/2022. The text of the new Traditional Neighborhood District Form Based Code T-4.2B zoning district is also attached. The purpose of the rezoning is to provide equitable access to housing in walkable neighborhoods by allowing residential uses at a density driven by the form, lot size and configuration of the lot with less minimum road frontage required and shared driveways encouraged. These changes are recommended in the 2021 Comprehensive Plan Update that support higher density and growth from the city's core outward that is supported by existing infrastructure and smart economic growth. The change creates a new district that carries the urban form of walkable, desirable existing neighborhoods to expanded land area where existing zoning has forced development to meet more suburban standards and limited housing production. The area proposed is limited to land where public water and sewer are available or reasonably available nearby. The proposed changes allow for infill development, creation of new housing units in existing buildings, new development of housing on vacant land and limited neighborhood scale commercial uses.

This proposal will also go to Planning Board for a public hearing and recommendation to Council on September 13, 2022. Second reading with the Council is scheduled for the September 19, 2022 agenda. Both the City Council and Planning Board have created this new district based on feedback from the public while considering the application of the existing T-4.2 district to the same area. In response to public feedback the new district was created to recognize differences between existing T-4.2 districts and the proposed T-4.2B area. Most notable are setback allowances that are flexible to match existing development patterns, the size limitations on commercial uses, a requirement for a residence on the same lot as a commercial use and the additional Special Exception review and Planning Board public process required for considering most commercial uses.

Staff Recommended Action: Hold a Public Hearing and vote on the first reading of the proposed text and map amendment.

Previous Meetings and History: See Staff Report attached.

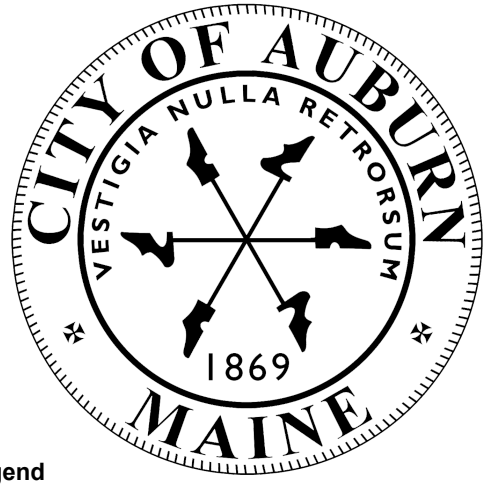
City Manager Comments:



I concur with the recommendation. Signature:

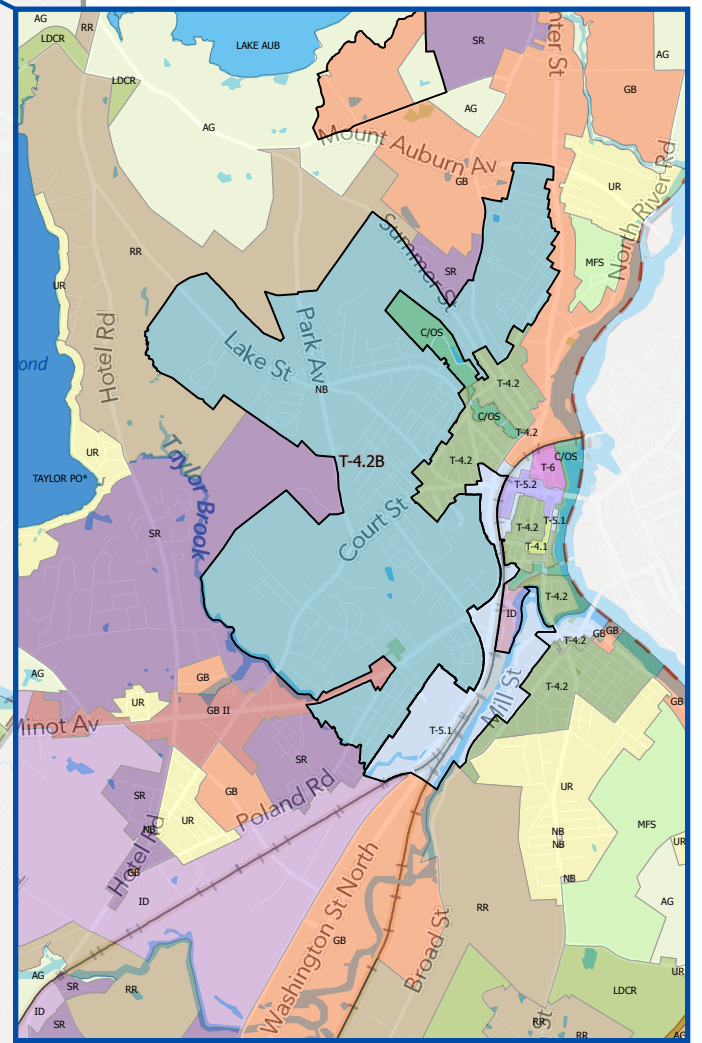
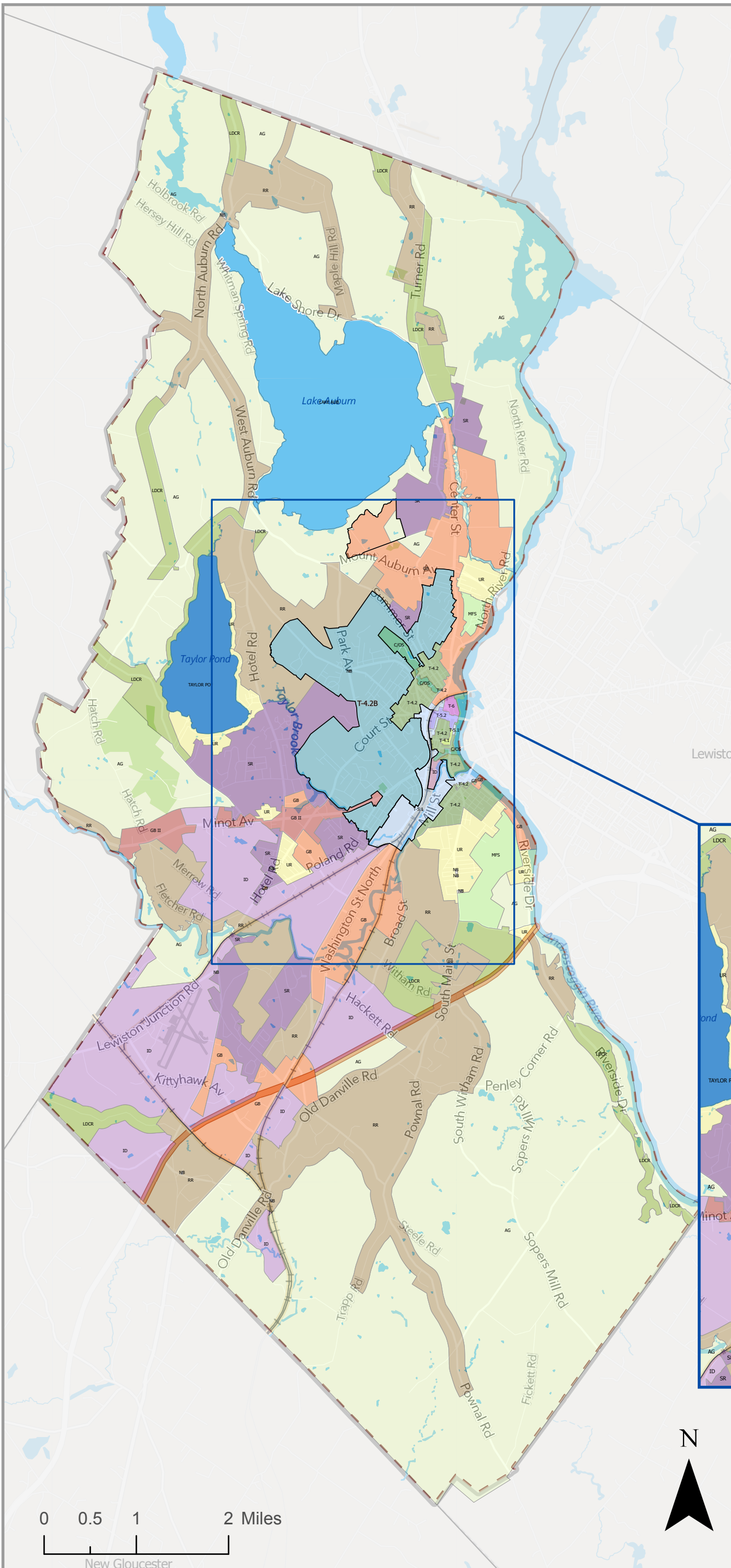
Attachments: Proposed Official Zoning Map dated 7/6/2022, proposed text of the new Traditional Neighborhood District Form Based Code T-4.2B zoning district, Planning Board Staff report.

Proposed Official Zoning Map



Legend

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LAKE AUB
- LDCR - Low Density Country Residential
- LAKE AUB
- NB - Neighborhood Business
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- TAYLOR PO*
- UR - Urban Residential
- Proposed T-4.2B



0 0.5 1 2 Miles

This map was created by Auburn's GIS Department. While every effort has been made to ensure that these data are 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 this product. Users of the information displayed on this map are strongly cautioned to verify all information before making any decisions.



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

04210 www.auburnmaine.gov |

207.333.6601

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Zoning Text and Map Amendment Public Hearing
Date: August 30, 2022

PROPOSAL: Zoning Text and Map Amendments to Create the Traditional Neighborhood Form Based Code T-4.2B zoning district and to include 1,687.41 acres of property located in the Court Street/City Residential Core area of the City within the new zoning district.

The property to be rezoned is currently located in the Urban Residence zoning district and is further identified on the Proposed Official Zoning Map dated 7/6/2022. The text of the new Traditional Neighborhood District Form Based Code T-4.2B zoning district is also attached. The purpose of the rezoning is to provide equitable access to housing in walkable neighborhoods by allowing residential uses at a density driven by the form, lot size and configuration of the lot with less minimum road frontage required and shared driveways encouraged. These changes are recommended in the 2021 Comprehensive Plan Update that support higher density and growth from the city's core outward that is supported by existing infrastructure and smart economic growth.

STAFF RECOMMENDATIONS

Hold a public hearing on creation of new Form-Based Code zoning district, T-4.2B and the application of the same new zone, T-4.2B to the Court Street area. The Board should review these as a single agenda item and forward a recommendation to Council.

Previous meetings concerning the creation of application of T-4.2B:

- August 17, 2021, city council meeting: increased housing and form-based code
- December 21, 2020, city council meeting T-4.2 Downtown Enterprise District
- December 17, 2020, - June 16, 2021, comprehensive plan meetings
- March 1, 2021, city council meeting T-4.2 Court/Lake Street and Lake Auburn Avenue, Union, Lake, and Whitney Street areas
- April 27, 2021, community conversation: comprehensive plan update
- April 29, 2021, community conversation: comprehensive plan update
- May 4, 2021, community conversation: comprehensive Plan update
- March 31, 2022, community conversation: discuss zoning changes January 3, 2022, city council meeting
- January 11, 2022, planning board meeting Workshop: T-4.2 Court Street
- February 8, 2022, planning board meeting Public Hearing: T-4.2 Court Street
- March 8, 2022, planning board meeting Public Hearing: T-4.2 Court Street
- March 21, 2022, city council meeting: T-4.2 Court Street
- March 28, 2022, city council meeting: T-4.2B Court Street planning board directive
- April 14, 2022, planning board meeting workshop: T-4.2B areas A-D

- June 18, 2022, city council meeting- T-4.2B creation
- June 27, 2022, city council meeting- Court Street amendment workshop
- July 12, 2022, community conversation: zoning in Auburn
- July 18, 2022, city council meeting: T-4.2B first reading
- August 1, 2022, city council meeting- T-4.2B Court Street planning board directive and repeal 4.2 Court Street
- August 15, 2022, city council meeting: postpone T-4.2B Court Street
Update original dates from first approval

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



TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND)

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

¹ “American Transect,” Duany Plater-Zyberk & Company / James Wassell

² <https://formbasedcodes.org/definition/>

Objective – Allow for the development of a wide range of residential and community uses at a density of up to what is allowed by the form of the lot with an estimation of 16 units per acre, but not specified because of the variability of the lots form, as specified in the Comprehensive Plan in areas that are served or can be served by public sewer and water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

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

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

³Development Standards – Residential uses should be allowed at a density of the existing form of the lot with no minimum road frontage required, shared driveways are encouraged, the front setback should be 25 feet max with the consideration that no front yard needs to be any less than the average depth of front yards on the lots next thereto on either side. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the adjacent lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

T-4.2B is a new zone distinct from T-4.1, T-4.2, T-5.1, T-5.2, and T-6. The attached text, Division 14. Form Based Code, shows the text of the T-4.2 B. The document represents the text of proposed new zone, T-4.2 B. The red sections mark the differences between T-4.2 and T-4.2B. The transects in Auburn are ordered from least to most urban. Form allows multifamily housing in this area capped at 3.5 stories with an attic. Parcel size determines form and therefore number of



units. The most prominent differences between T-4.2 and T-4.2B is the size and type of businesses that will be permitted. Office, service, and retail uses limited to 1500 sq ft with a residential unit on the same parcel. Age-restricted retail stores (marijuana stores or dispensaries) are not allowed in T-4.2B. Restaurants with over 30 seats will not be permitted nor will drive-through restaurants.

THE PURPOSE BEHIND APPLYING NEW ZONING TO AUBURN’S CITY CORE

1. The proposed zone change will **increase housing opportunity** for more people by lowering barriers to finding housing. Auburn’s housing supply is limited and is not increasing fast enough to accommodate both current residents and those who want to call Auburn home. Housing scarcity drives up prices and increasing the supply of housing will lower the cost overtime.

³ Newport, Rhode Island. Sponsored by Center for Applied Transect Studies, Photographed by Sandy Sorlien

2. ⁴The proposed zoning will **allow a wider variety of housing**. Offering choice in housing to residents will allow more residents the freedom to live as they want and not pay more than they can afford. Financial institutions recommend not spending more than 28% of household gross income on housing. Single family homes are outside of the price range and may not meet the lifestyle needs of many people, especially young adults, young families, empty nesters, elderly residents and many in between. The current zoning essentially renders housing that is not single-family or two-family illegal effectively barring those who cannot afford the high price of a single-family home to live with their neighbors. Allowing mixed use housing gives residents of all backgrounds and financial capacities options and promotes community by allowing neighbors to live close to and among each other.



3. ⁵Current traditional zoning laws tend to separate where we live from where we work, learn, and shop and force us to center roads over all other aspects of city design. These roads, as they are today, are dangerous to pedestrians and cyclists. We have an over-reliance on cars and Auburn's form-based code is meant to provide an alternative. T-4.2B **encourages walkability** by allowing uses that are not exclusively residential in moderately dense urban environments. There will not be walkability if there is nowhere to walk to. Encouraging infill and small business growth encourages walkability by giving folks spaces to walk to. Suburban sprawl as it exists limits transportation to folks who have a car and assumes that there will be little to no walking. It champions cars and roads over people and centralized communities.



FREQUENTLY ASKED QUESTIONS

How would T-4.2B affect my neighborhood?

Building by form as regulated in T-4.2B will differ based on where you live and the existing neighborhood form. Most city lots are small and already built on, likely limiting additional development to infill housing opportunities and freedom for property owners to add additional units or make improvements to existing homes. The map shows the size of parcels in the urban core area. The map shows that 54.6% of parcels cannot support over four units and 79.4% of parcels cannot support over eight units.

⁴ Marblehead Massachusetts. Sponsored by Center for Applied Transect Studies, Photographed by Sandy Sorlien.

⁵ Newport, Rhode Island. Sponsored by Center for Applied Transect Studies, Photographed by Sandy Sorlien.

The larger open areas, five-plus acres in the example, have a form that could support higher development intensity. Of the 571.85 acres on parcels with over five acres in what is proposed to be T-4.2B, only 391.71 acres of the area could be considered for further development (26.6%) because of schools, existing condos, and parks.

“The traffic in Auburn is already much too fast and congested. Would higher density in the city core make the traffic worse?” Adding more housing, though may add more vehicles to the road in the short term, will allow the city to find projects to improve current road conditions, and invest in improving circulation patterns throughout the city. Increasing density will also make Auburn a more viable location to extend local public transit and especially commuter transportation to and from nearby metro areas like Boston, Portland, and more. Form-based code encourages and supports safe pedestrian traffic, over time also decreasing the heavy reliance on vehicles.



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

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

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

The school district can, and in some cases will need to absorb more students, though it is also struggling with attracting and retaining teachers. The recommended monthly house payment is 28% of a person’s income. The entry level pay for a teacher is \$42,000, a firefighter starting wage is \$45,000 plus average OT is \$10,000 for a total of \$55,000, and a police officer with OT is \$65,000. The average price of an existing, entry level home is \$267,500 and the average cost of a new entry level home is \$318,000. Based on the 28% recommendation, a person would need to make \$87,450.00. / year to afford an existing entry level home, and 104,6000.000/year to afford a new entry-level home. People working the above noted jobs, which are critical to some of the most important city services could not afford to build or purchase a home in the city that they work in. A teacher and fireperson living together still could not afford a single-family home in the city where they work. Dr. Brown stated that her number-one reason for teacher resignations is that they found another job closer to where they live. Housing options need to reflect different families and individuals' lifestyles and incomes.

How might new zoning affect the housing crisis?

⁶ T4 Rendering of Spring Street

In his article, “3 Zoning changes that Make Residential Neighborhoods More Affordable”, Founder and Director of the Urban Sustainability Accelerator and Institute for Sustainable Solutions at Portland State University, Robert Liberty, identified eliminating single-family-residential-only zoning as an important factor to make residential neighborhoods more affordable. Multifamily housing is outlawed in about 75% of the country which poses a significant barrier for low to middle income residents by reinforcing housing segregation and increasing reliance on cars.⁷

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

What can I expect?

T-4.2B will allow uses other than single family including businesses with a residential unit on the same parcel. Businesses shall not be over 1,500 square feet. Drive-through restaurants are not allowed in T-4.2B and cannabis shops are also prohibited- a change from the first T-4.2 zone. There are some businesses that will be prohibited and most will require Special Exception Approval from the planning board depending on the size and type.

ADDITIONAL READING

The list below includes information about the proposed planning methods and provides case studies of towns and cities which have already applied form-based code.

[Center for Applied Transect Studies](#)

[The Organization | CNU](#)

[3 Zoning Changes That Make Residential Neighborhoods More Affordable \(planning.org\)](#)

[Market — Missing Middle Housing](#)

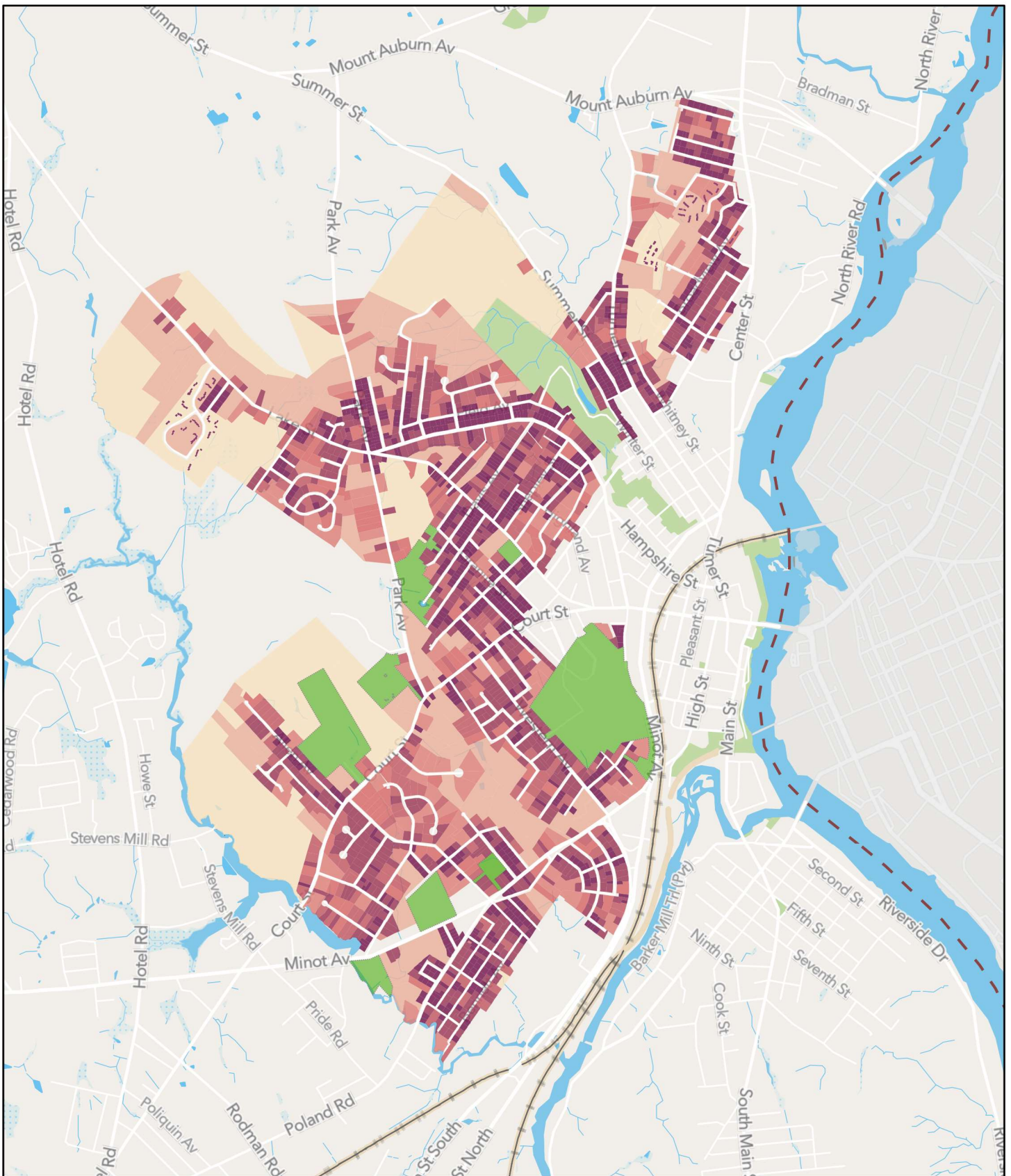
[How to Enable MMH — Missing Middle Housing](#)

[How Minneapolis became the first to end single-family zoning | PBS News Weekend](#)

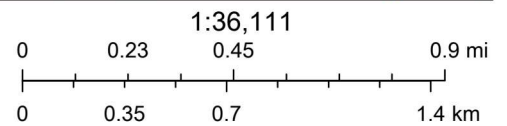
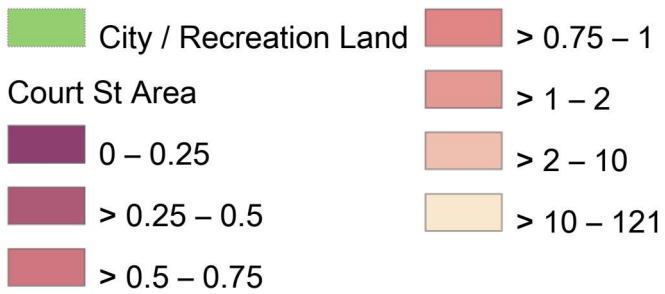
[3 Zoning Changes That Make Residential Neighborhoods More Affordable \(planning.org\)](#)

⁷ <https://www.planning.org/planning/2021/winter/3-zoning-changes-that-make-residential-neighborhoods-more-affordable/>

Court St By Acreage

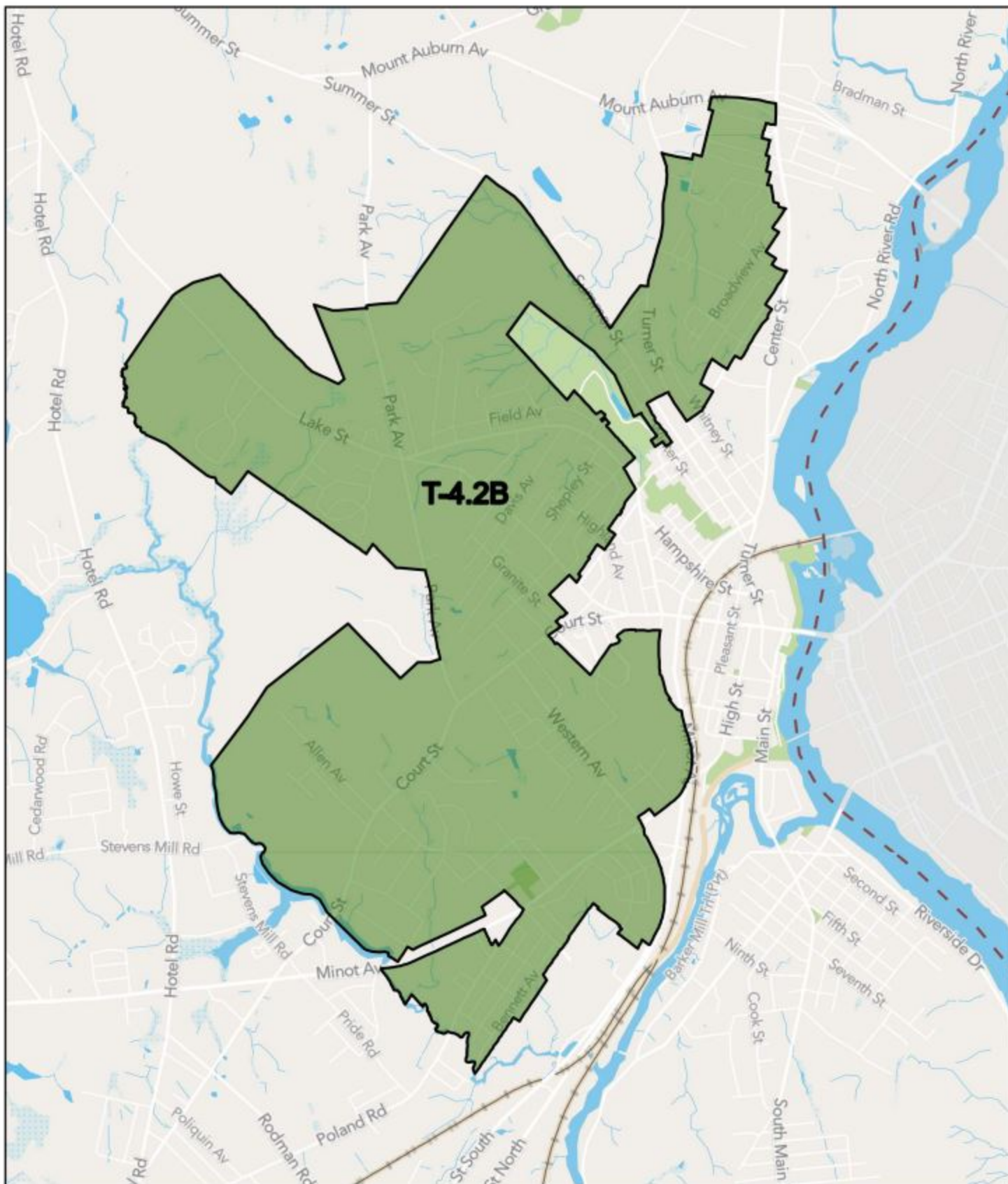


8/15/2022



Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Court St Area T-4.2B



8/12/2022



THURSDAY,
SEPTEMBER 1, 2022

sunjournal.com

**LEGAL NOTICE
CITY OF AUBURN**

**NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENTS TO THE
ZONING ORDINANCE TEXT AND MAP
TO CREATE A NEW TRADITIONAL
NEIGHBORHOOD FORM BASED CODE
T-4.2B DISTRICT**

Notice is hereby given that the Auburn Planning Board will hold a Public Hearing on **Tuesday, September 13, 2022 at 6:00 p.m.** in the City Council Chambers, 60 Court Street, Auburn, Maine to consider proposed amendments to the Zoning Ordinance text and map to create a new Traditional Neighborhood Form Based Code T-4.2B zoning district as follows:

PUBLIC HEARING: Zoning Text and Map Amendments to Create the Traditional Neighborhood Form Based Code T-4.2B zoning district and to include 1,687.41 acres of property located in the Court Street/City Residential Core area of the City within the new zoning district. The property to be rezoned is currently located in the Urban Residence zoning district and is further identified on a sketch map available in the Planning & Permitting Department. The text of the new Traditional Neighborhood District Form Based Code T-4.2B zoning district is also available in the Planning & Permitting Department. The purpose of the rezoning is to provide equitable access to housing in walkable neighborhoods by allowing residential uses at a density driven by the form, lot size and configuration of the lot with less minimum road frontage required and shared driveways encouraged. These changes are recommended in the 2021 Comprehensive Plan Update. The map and text showing the proposed changes is available at <https://www.auburnmaine.gov/pages/government/planning-board-agendas> under the September 13, 2022 Agenda link and in-person at the City of Auburn

Planning & Permitting Office, 60 Court Street, Auburn, Maine during normal business hours. All interested persons are invited to attend the public hearing and will be given an opportunity to be heard at the hearing.

The Planning Board will, after the close of the public hearing, make a recommendation to the Auburn City Council regarding the proposed amendments. The City Council is expected to conduct First Reading and its own Public Hearing on the proposed amendments on Tuesday, September 6, 2022 at 7:00 p.m. and a Second Reading on Monday, September 19, 2022 at 7 p.m. in the City Council Chambers, 60 Court Street, Auburn, Maine.

Additional information is available and may be obtained from the Auburn Planning & Permitting Department by contacting Katherine Cook at (207) 333-6601 ext. 1155 or kcook@auburnmaine.gov or John Blais at (207) 333-6601 ext. 1334 or jblais@auburnmaine.gov.

**LEGAL NOTICE
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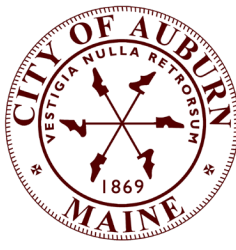
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WEDNESDAY,
AUGUST 24, 2022

sunjournal.com



T-4.2B ZONING ORDINANCE TEXT AND MAP AMENDMENTS
Council First Reading & Public Hearing 9/6/22
Planning Board Public Hearing 9/13/22

Amend Sec. 60-547 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 14, FORM BASED CODE

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

1. Amend Sec. 60-547 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 14, FORM BASED CODE, as follows (additions underlined and in red):

Subdivision I. In General

• • •

Sec. 60-547. Transects.

Form based code uses transects as a way to describe the areas under the regulating plan. A transect is a system of ordering human habitats in a range from the most natural to the most urban. Auburn's transects are organized using five form based code districts, (Transect 4.1, Transect 4.2B, Transect 4.2, Transect 5.1, Transect 5.2 and Transect 6), which describe the physical character of a place at a certain scale, according to the density and intensity of land use and urbanism.

• • •

2. Amend ARTICLE IV, DISTRICT REGULATIONS, DIVISION 14, FORM BASED CODE, to add a new Secs. 60-548B, 60-548B.1, 60-548B.2 and 60-548B.3 as follows (text additions in **red text** and includes images and photographs):

Sec. 60-548. Traditional Main Street Neighborhood (T-4.1)

• • •

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

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

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

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

Illustrative View of T-4.2B



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

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

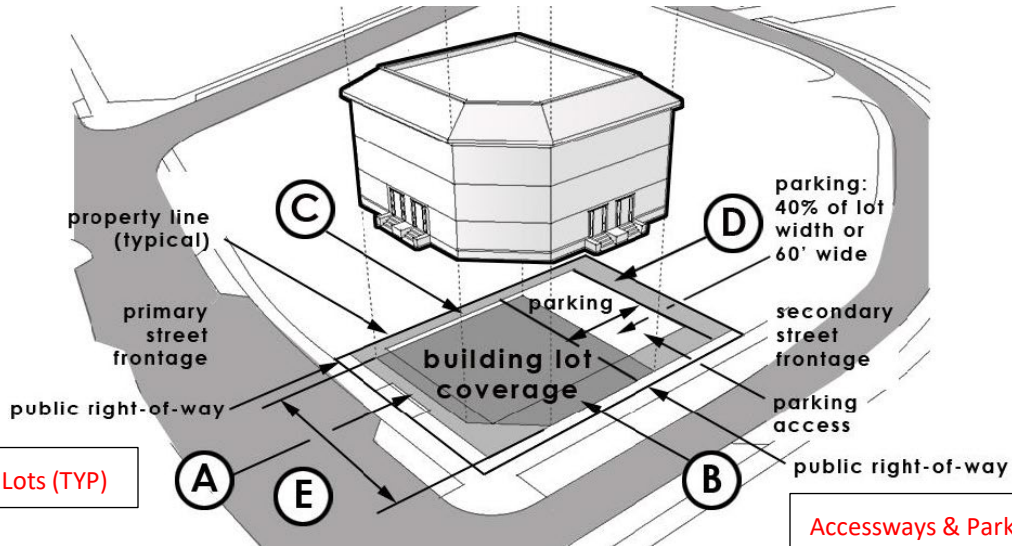




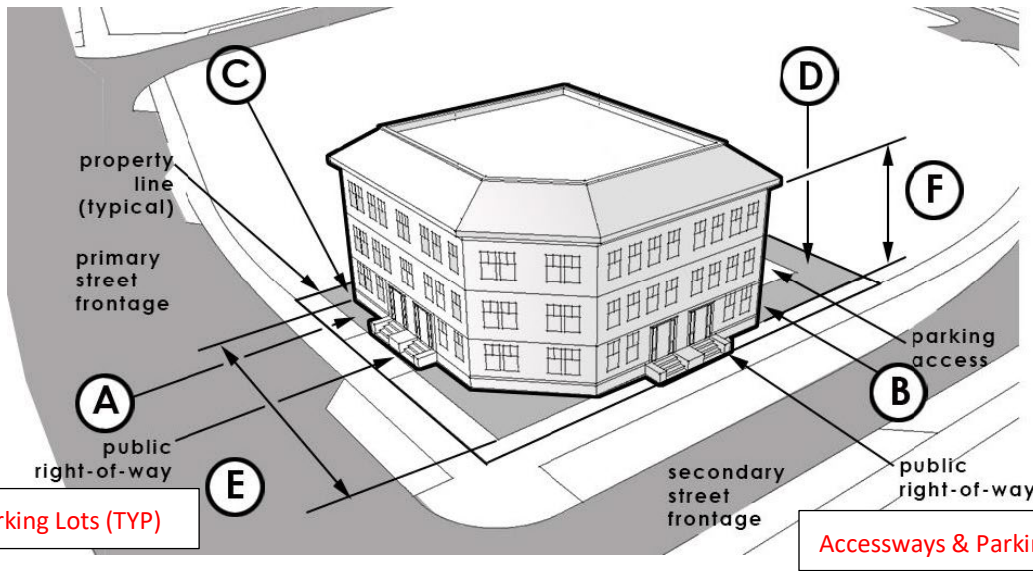
Characteristic Features

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

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



Elevated Building Placement

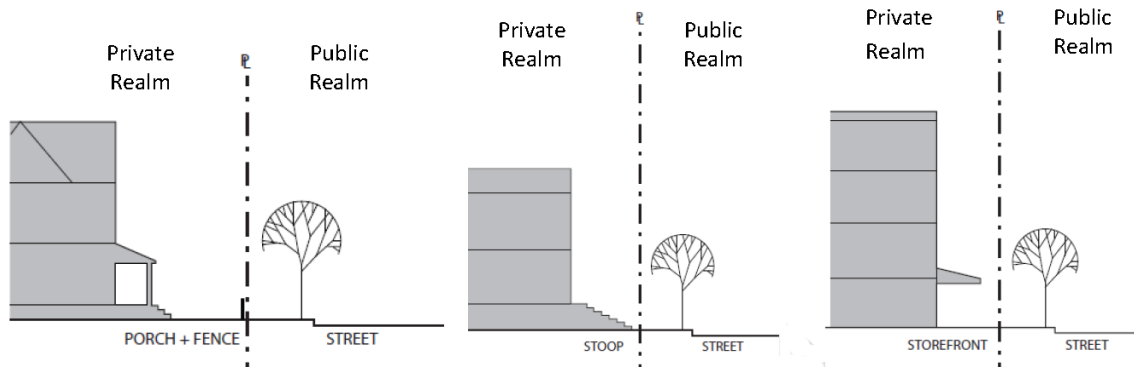


Building Placement on Lot

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

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

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



Common or Porch Yard Stoop Yard Frontage Storefront Type

BUILDING FRONTAGE TYPES:	Common Yard; Porch Yard, Stoop and Storefront
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	<u>Residential</u> - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. <u>Commercial</u> - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.

Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground Story Finished Floor Elevation:	<u>Residential</u> - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). <u>Commercial</u> - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

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

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

Sec. 60-549. Traditional Downtown Neighborhood T-4.2.

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3. Amend Sec. 60-554 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 14, FORM BASED CODE, as follows (text additions underlined and in red; deletions are struck out):

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

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

USE(1)	T-4.1	<u>T-4.2B</u> <u>(4)</u>	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS (2)
<u>Residential Use Type</u>							
Single Family	P	<u>P</u>	P	P			1 sp/DU
Duplex	P	<u>P</u>	P	P	P	P	1 sp/DU
Townhouse	P	<u>P</u>	P	P	P	P	1 sp/DU
Multi-Family	P	<u>P</u>	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & Breakfast < 4 Rooms	S	<u>S</u>	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & Breakfast > 4 Rooms	S	<u>S</u>	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	<u>X</u>	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/Child Care Facility	S	<u>S</u>	S	S	S	P	½ sp/employee plus 1 sp/ 8 users
Home Occupation	P	<u>P</u>	P	P	P	P	Based on Use Type (Ch. 60, Art. IX)
Community Based Residential Facilities	P	<u>S</u>	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding House/ Lodginghouse	P	<u>S</u>	P	P	S	X	1 sp/guestroom plus
							1 sp/employee
<u>Office/Service</u>							
Professional Offices	S	<u>S</u>	S	P	P	P	None
Medical and Dental Clinics	S	<u>S</u>	S	P	P	P	None
Personal Services	S	<u>S</u>		P	P	P	None
<u>Retail Type Use</u>							
General Retail	S	<u>S</u>	S	P	P	P	None
Age Restricted Retail (3)	S	<u>X</u>	S	S	S	S	None
Specialty Shops	S	<u>P</u>	P	P	P	P	None

Restaurant up to 30 seats w/16 outdoor	X	<u>S</u>	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		<u>X</u>	S	S	P	P	None
Halls, Private Clubs, Indoor Amusement	S	<u>S</u>	S	S	P	P	None
Artist Studios, Performing Art Center	S	<u>S</u>	S	P	P	P	None
Civic							
Church or Places of Worship	S	<u>S</u>	S	P	P	P	None
Government Offices	X	<u>S</u>	X	P	P	P	None
Art Galleries	S	<u>P</u>	P	P	P	P	None
Transportation Facilities	X	<u>X</u>	X	S	S	S	None
Adaptive Reuse of Structures of Community Significance	S	<u>S</u>	S	S	S	S	None

Notes:

- (1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.
- (2) *Parking requirements in T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within ~~1,000~~ 500 feet of the principal building, subject to planning board approval.
- (3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.
- (4) Office, Service and Retail uses limited to 1,500 SF footprint and must include a residential unit; no drive through businesses allowed.

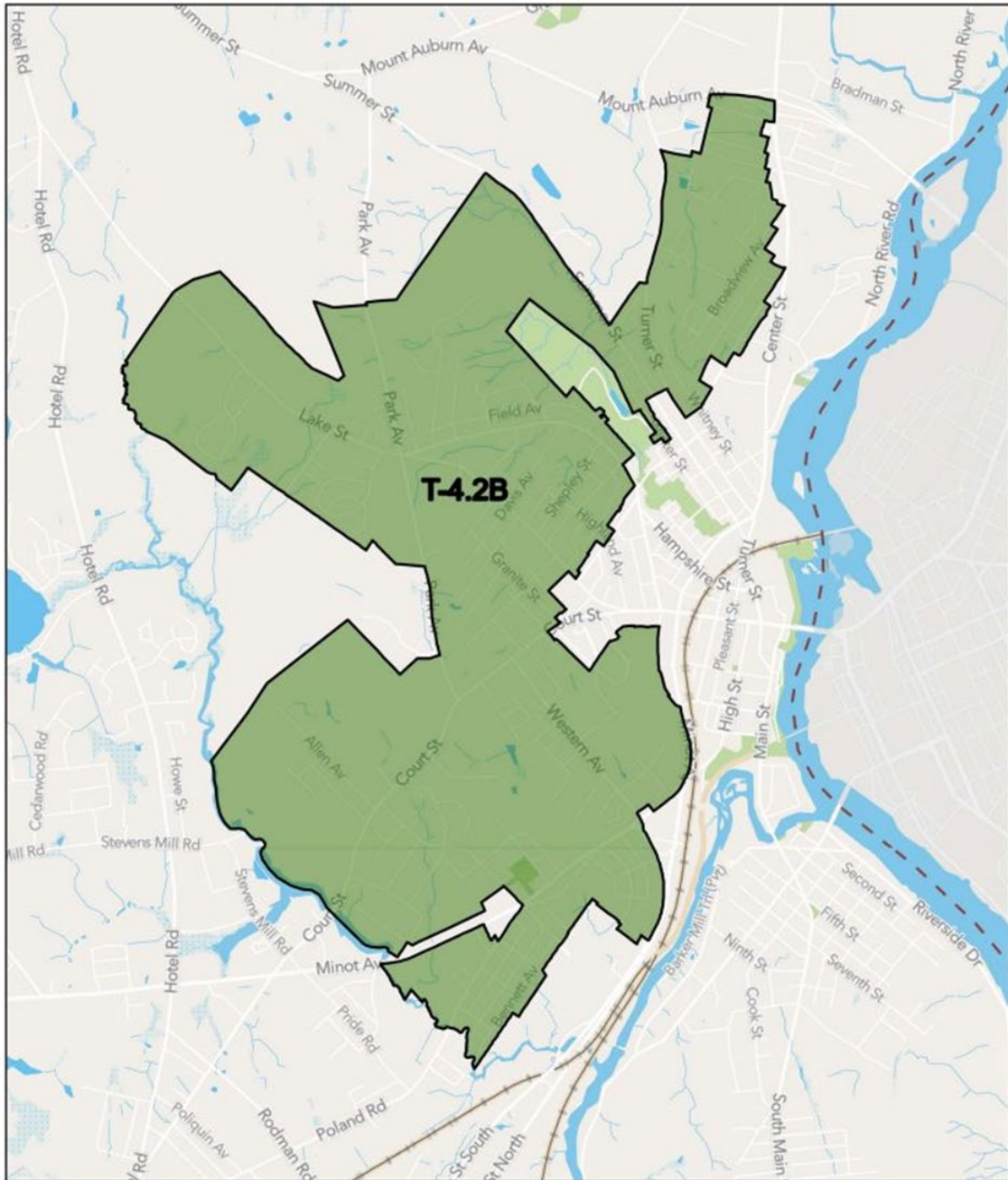
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4. Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, all as more particularly shown on the attached sketch map. (The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department.)

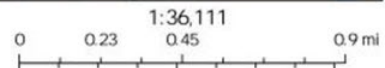
SKETCH MAP OF COURT STREET AREA TO BE REZONED FROM URBAN RESIDENCE TO TRADITIONAL NEIGHBORHOOD FORM BASED CODE T-4.2B

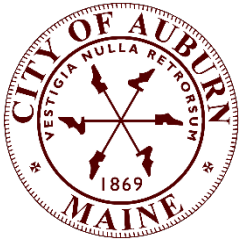
The green area outlined in black below is 1,687.41 acres of land area that is currently zoned Urban Residence and is proposed to be rezoned Traditional Neighborhood Form Based Code District T-4.2B. Streets/roads included in the new district are parts of Lake, Court, Turner and Summer Streets and parts of Park, Western, Gamage Avenues.

Court St Area T-4.2B



8/12/2022





**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: September 6, 2022

Resolve: 07-09062022

Author: Phil Crowell, City Manager

Subject: Sewer Infrastructure Extension

Information: City staff met recently with officials from the governors office to discuss various topics impacting the housing shortage. With state and federal funding opportunities becoming available, staff is requesting authorization from the city council to explore funding for sewer infrastructure expansion and the creation of an ad-hoc committee to draw upon community resources to advance this initiative.

City Budgetary Impacts: N/A

Staff Recommended Action: Consider the resolve

Previous Meetings and History: N/A

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments:



City Council Resolve

IN CITY COUNCIL

RESOLVED, by the Council of the City of Auburn, Maine, in City Council assembled, that,

WHEREAS, The City of Auburn and the State of Maine are experiencing a housing crisis making housing difficult to secure or unattainable for more than half of Maine people if they did not already own a home in 2019.

WHEREAS, a lack of sewer infrastructure is preventing higher density residential development in South Auburn; and,

WHEREAS, the 2021 Comprehensive Plan identified the area north and west of the Maine Turnpike as a Designated Growth Area in the Future Land Use Map given its proximity to existing densely developed neighborhoods and the potential for existing transportation capacity to serve growth while maintaining mobility; and,

WHEREAS, the 2021 Comprehensive Plan established a goal to “Provide safe and adequate sewage disposal that meets the needs of current and future residents and businesses in coordination with the Future Land Use Plan” and further “When economically feasible, work with developers to expand the sewer service to areas designated for future growth by the Future Land Use Plan;”

WHEREAS, Undeveloped land served by public utilities can provide for a great number of housing units when compared to those developments requiring individual wastewater disposal systems; and,

WHEREAS, the City Council to authorize the City Manager to explore funding opportunities for utility extensions, improvements and capacity increases. To include all cost, but not limited to feasibility and capacity studies, design, estimating and construction cost; and,

WHEREAS, to support State of Maine charge to consider measures that would encourage increased housing options in the City of Auburn including but not limited to municipal incentives, state mandates (LD 2003) eliminating or limiting single- family-only zones and allowing greater housing density near transit, jobs, schools or creation and development of neighborhood centers that would be supported by utility and infrastructure expansion; and



City Council Resolve

WHEREAS, Collaboration with the State of Maine; Governor's Office, Executive Branch and Legislative Body to support increase housing opportunities in the City of Auburn while exploring funding avenues for public infrastructure.

NOW, THEREFORE, BE IT RESOLVED, by the Auburn City Council in City Assemble, that there hereby an Ad Hoc, Public Infrastructure Committee created, and the membership, terms, offices and duties shall be as follows:

1. Create a joint effort among The State of Maine, City of Auburn staff, Auburn Sewer and Water District, City Council and the Citizens of Auburn to explore funding avenues for public Infrastructure.
2. To advance this important project, draw upon resources of the community, state, federal and city resources to plan with sufficient detail to create funding opportunities for City of Auburn Public Infrastructure to create housing opportunities.

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

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

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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: September 6, 2022

Order: 126-09062022

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

Subject: Accessory Dwelling Unit Development (ADUD) Program

Information:

The City of Auburn is seeking funds from the Maine State Housing Authority (MSHA) Community Solutions Grant to implement a new housing initiative designed to help residents overcome the financial barrier of creating new rental units. This forgivable loan program is designed to rapidly enhance the creation of privately built secondary or accessory dwelling unit (ADU) housing where appropriate zoning and municipal infrastructure is accessible.

This program is contingent on approval and awarding of funds by Maine State Housing Authority.

City Budgetary Impacts:

The Office of Business & Community Development is seeking \$225,000 in ARPA funds to leverage \$250,000 in MSHA grant funds and \$50,000 of in-kind program delivery.

Staff Recommended Action:

Vote to authorize the use of \$225,000 in ARPA funds for the Accessory Dwelling Unit Development (ADUD) Program, contingent on Maine State Housing Authorities awarding of Community Solutions Grant funding.

Previous Meetings and History:

8/1/2022 The mayor presented an overview for staff to work from.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

Accessory Dwelling Unit Development (ADUD) Program Summary



City of Auburn, Maine

Business & Community Development

Glen Holmes, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

Sept 1, 2022

Accessory Dwelling Unit Development (ADUD) Program

The office of Business & Community Development believes the construction of new rental units is essential in meeting the needs of current and future Auburn residents alike. We also believe that residents who rely on affordable housing services, such as housing choice vouchers (HCV) or affordable unit development, deserve a choice on where they live and which school their children attend. Each neighborhood in this city has a distinct style and value, as does each resident. Allowing all families, regardless of income, the freedom to choose their home and what environment in which to raise their children is an essential right. To this end, the city is embracing development models which increase housing choice for residents who rely on affordable housing while simultaneously leveraging private capital to meet the modern demand of a rapidly evolving housing market.

The City of Auburn is seeking funds from the Maine State Housing Authority (MSHA) Community Solutions Grant to implement a new housing initiative designed to help residents overcome the financial barrier of creating new rental units on their property. This forgivable loan program is designed to rapidly enhance the creation of privately built secondary or accessory dwelling unit (ADU) housing where appropriate zoning and municipal infrastructure is accessible.

Goal: The program goal is to create 15 new housing units over 2 years by incentivizing infill and locally owned rental unit construction. These units are less costly to construct for state and local government and allows for more rapid creation of units by leveraging local contractors, private capital and municipal infrastructure. These initial units will further the intent of LD 2003 and serve as a catalyst for further private construction city-wide.

Target audience: Individuals with the desire to build small (less than <800 sq/foot) attached or detached accessory dwelling units for rent. This program has the added benefit of decentralizing the ownership and development of affordable housing while providing sustainable, residual income for Auburn property owners. This program will be available for property owners city-wide where zoning permits. Property owners will income qualify at or below 120% of the Area Median Income (AMI).

Local Needs Assessment: Auburn Housing Authority provided data on the Housing Choice Voucher centralized waitlist. This data quantifies 454 current applicants. 411 applicants currently qualify under 60% AMI with 121 applicants residing in “temporary residences”, 26 being housed

in a shelter or hotel and 33 reporting that they are currently “living in a place not normally used for housing.” Lastly, 57 of the current waitlist applicants are households of 3 or more.

Additionally, SafeVoices, a domestic violence shelter received a total of 325 local shelter requests in the previous year but were only able to house 83 individuals. This leaves an unmet need of 242 families which were under-served by their current capacity and ability to rapidly re-house domestic abuse victims within the city through a combined effort of the city security deposit assistance and SafeVoices resources. The creation of 15 new units supported in part by the city’s security deposit program will help to address this shortage and re-house low-income and at-risk residents.

Affordable Housing Development: Units enrolled in this program will be newly constructed after program launch date and will be rented to low-income tenants (qualified under 80% AMI) for a period of 5 years. Additionally, rent for enrolled units will not exceed the lower of HUD’s published Fair Market Rent (FMR), or 30% of tenant monthly income (including utilities) for a period of 5 years. The city of Auburn will monitor compliance during this affordability period and re-qualify any new tenants if there is turn-over in the unit.

Financial components: This program will provide a forgivable loan up to 15% of actual construction costs of a property which adds a new accessory dwelling unit. This construction will be verified by the Business & Community Development Department, Assessing & Code Enforcement. Average anticipated cost of an 800 sq/ft unit on a single-family residential lot in Auburn is \$200,000. All projects will be properly permitted and approved by the city Code Enforcement Office and must receive an occupancy permit within 6 months.

Occupancy: The city will manage applications and monitor occupancy of assisted units through its Security Deposit application process for 5 years. Tenants applying for Security Deposit grants must provide income verification documents and be approved by the Director of Business & Community Development per the current program guidelines. The tenant and landlord will execute a lease that conforms to HUD guidelines.

Timeline: The city expects to secure matching funds by November 1st. Contingent upon receipt of MSHA Community Solutions Grant, this program will be launched and begin taking applications by December 1st, 2022. Expectations are that construction will begin summer of 2023 with the first units being occupied by late fall 2023. The program will continue until all funds are disbursed. Monitoring and reporting will continue for 5 years after the final unit is occupied.

Proposed Budget: This program will employ \$225,000 of city ARPA funds, \$25,000 of HOME funds, \$25,000 in city funded staff hours and \$250,000 MSHA Community Solutions grant. Additionally, private leveraged funds are estimated at \$2.5 million.

As indicated in the Sources & Uses table below, the city intends to match MSHA funds with ARPA funds to capitalize the forgivable loan pool. In-kind matching funds will be provided by the city’s CDBG & HOME allocations to facilitate and monitor these units for the duration of the 5-year affordability period. Additional HOME funds will be utilized to provide security deposits to

qualified tenants. Upon vacancy, these funds, unless used by the landlord to repair the unit, will be turned over to the qualified tenant.

Sources and Uses	PY2022
Sources	Budget
-	-
Total Sources=	\$525,000
Community Solutions Grant Loan Pool Funds (CSG)	\$250,000
Auburn Matching Loan Pool Funds (ARPA)	\$200,000
Auburn Admin (ARPA)	\$25,000
Program Delivery (HOME/CDBG)	\$25,000
HOME Funded Security Deposits	\$25,000
Total Uses=	\$525,000
Program Administration (5 years)	\$25,000
Anticipated New Units	15
Max expense per unit	\$33,333
Per Unit Averages	
Forgivable Loan	\$30,000
City staff (App, Inspections & Monitoring)	\$1,667
HOME Funded Security Deposit	\$1,667
Average unit development cost	\$200,000

Private Funds Leveraged= \$2,550,000.00



ORDER 126-09062022

City Council Order

IN CITY COUNCIL

ORDERED, that that City Council hereby authorizes the use of \$225,000 in ARPA funds for the Accessory Dwelling Unit Development (ADUD) Program, contingent on Maine State Housing Authorities awarding of Community Solutions Grant funding.

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

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