



City Council Workshop & Meeting May 2, 2016 Agenda

5:30 P.M. Workshop

- A. Budget Discussion – Questions and Answers (All Departments of the City)

7:00 P.M. City Council Meeting

Roll call votes will begin with Councilor Young

Pledge of Allegiance

- I. **Consent Items** – All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.
- II. **Minutes**
 - April 11, 2016 Special Council Meeting
 - April 25, 2016 Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
 - Presentation - Auburn's Odyssey of the Mind Team
- IV. **Open Session** – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.
- V. **Unfinished Business**
 1. **Ordinance 04-03072015**

Adopting amendments for a Form Based Code and Zoning Map for portions of Downtown Auburn and New Auburn. The Form Based Code Text Amendment will replace Article IV, Division 14, Central Business District, Sec. 60-546, amend related sections of the Zoning Ordinance and create 5 new Form Based Code Districts (T-4.1, T-4.2, T-5.1, T-5.2 and T-6). Public hearing and first reading.
- VI. **New Business**
 2. **Public Hearing on the Community Development Block Grant Budget**

3. Order 26-05022015

Approving the request to waive the business licensing fee for the New Auburn Little League, a non-profit organization (Sherwood Heights and Pulsifer Park) for the 2016 season.

4. Order 27-05022015

Approving the request to waive the business licensing fee for Kiddo's, LLC , a for-profit organization.

5. Resolve 04-05022015

Authorizing the Mayor to send a letter on behalf of the City Council to FERC requesting that KEI provide at least 60 days notice to the City for recreational flow studies related to the relicensing of the Barer Mill Dam.

VII. Executive Session

- To discuss a real estate/economic development matter pursuant to 1 M.R.S.A. Sec. 405(6)(C).

VIII. Reports

- Mayor's Report**
- City Councilors' Reports**
- City Manager Report**

IX. Open Session - Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.

X. Adjournment

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:

- Discussion of personnel issues
- Discussion or consideration by a school board of suspension or expulsion
- 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
- Labor contracts
- Contemplated litigation
- 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;
- 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
- Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph 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: May 2, 2016

Author: Sue Clements-Dallaire, City Clerk

Subject: Budget Discussion – Questions and Answers

Information: This is an opportunity for the City Council to ask questions regarding the proposed City Manager Budget and for staff to answer questions they may have.

IN COUNCIL REGULAR MEETING APRIL 11, 2016 VOL. 34 PAGE 231

Mayor LaBonté called the meeting to order at 5:30 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag and requested a moment of silence for the recent passing of Joshua Titus, son of Councilor Andy Titus.

Councilor Titus had an excused absence. All other Councilors were present.

I. New Business

1. Order 23-04112016

Appointing Jonathan P. LaBonté to the Lewiston Auburn Railroad Company Board of Directors for a term of 3 years from 2016-2019 and he shall be authorized to vote the shares held by any shareholder.

Motion was made by Councilor Pross and seconded by Councilor Walker to appoint Jonathan P. LaBonté to the Lewiston Auburn Railroad Company Board of Directors for a term of 3 years from 2016-2019 and he shall be authorized to vote the shares held by any shareholder.

Passage 6-0.

II. Presentations: The City Manager presented the FY2017 Budget.

Public comment:

Alfreda Fournier, resident of 43 Davis Avenue and Androscoggin County Commissioner suggested better communication in regards to the County. The Mayor invited her and other County Commissioners to attend the Council meeting when joint services are discussed.

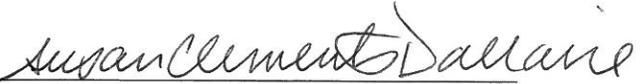
Carl Shaline suggested that budget information is easily accessible and available on the website, and on facebook for residents who cannot make it to the meetings.

Gary Simard, 157 Cook Street commented that he would like to hear the pros and cons of combining the Police and Fire Departments to one Public Safety department.

III. Adjournment

Motion was made by Councilor Pross and seconded by Councilor Walker to adjourn. All were in favor, the meeting adjourned at 6:22 PM.

A True Copy.

ATTEST 
Susan Clements-Dallaire, City Clerk

IN COUNCIL REGULAR MEETING APRIL 25, 2016 VOL. 34 PAGE 232

Mayor LaBonté 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.

I. Consent Items

1. Order 24-04252016*

Appointing Election Clerks to serve a two year term from May 1, 2016 through April 30, 2018.

Motion was made by Councilor Burns and seconded by Councilor Walker appointing Election Clerks to serve a two year term from May 1, 2016 through April 30, 2018 as presented. Passage 7-0.

II. Minutes

- April 4, 2016 Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Burns to accept the minutes of the April 4, 2016 Regular Council Meeting as presented. Passage 7-0.

III. Communications, Presentations and Recognitions

- Portrait presentation - former Mayor John Linnell

IV. Open Session – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.

Mamie Anthoine Ney, Director of the Auburn Public Library invited residents and the Council to visit the Library to see the exhibit called *Discover Nassau - From Our Town to Outer Space* that opened last week. The exhibit will be at the Library until July 8, 2016.

V. Unfinished Business - None

VI. New Business

1. Order 25-04252016

Approving the issuance of a Special Amusement permit to MVL, Inc., DBA Tio Juan's Margaritas Mexican Restaurant, an existing business, located at 180 Center Street. Public Hearing.

Motion was made by Councilor Pross and seconded by Councilor Walker to approve the issuance of a Special Amusement permit to MVL, Inc., DBA Tio Juan's Margaritas Mexican Restaurant located at 180 Center Street.

Public hearing - no one from the public spoke. Passage 7-0.

2. Public Hearing on the FY17 City Manager Budget

IN COUNCIL REGULAR MEETING APRIL 25, 2016 VOL. 34 PAGE 233

Larry Pelletier, Second Street – commented that the City Manager and Council has some tough budget decisions to make and asked if we could go back to the drawing board with the school budget stating what they are asking for is well deserved and that it is time to do something positive with the school budget.

Ron Potvin, Northern Ave. homeowner, resident of Lewiston and former Auburn City Councilor, expressed that when Council is faced with tough decisions that other Councils have had to face, keep in mind the level of service we have now and what it is providing. If the proposed cuts are to do something a different way to try to get to the same point, he feels it might be worth a try, adding that there are a lot of proposed cuts and by reducing them, whether it is this Council or a future Council, they may want to put them back. He warned them to be careful “not to slice the bone”. One in particular for him is the Auburn Public Library. He said he has spent a lot of time at the Library and sees it as not just a Library, but a Community Center adding that he supports the Library.

Pat Gautier, 136 Pride Road – shared some thoughts that she wanted Council to consider. She expressed that the Council needs to fund our City and asked them to stop using retired people as an excuse to not raise taxes to fund our City. She said she will be retiring in June and doesn't want to see taxes go up but realizes that sometimes you have to. Over the last decade or more, our City has cut budgets and services and we are now paying dearly for that. She asked that they please consider getting rid of the CPIU ordinance, to reconsider the cuts to the Library, to pass school budget as presented, avoid cutting positions, programs, and readjusting staff assignments, restore LAEGC and AVCOG funding, restore positions that have been cut on the city side and reconsider them individually. Do what is necessary to keep our City moving forward and sometimes that means that you have to raise taxes.

Wayne Werts, 556 Pownal Road, commented that the City Manager has done the best he can with the direction he was given and has done a good job and he wanted to be sure that his comments do not reflect badly on the City Manager. He understands the fund balance is a big issue and is lower than we want it to be adding that we did not get here over night. He agrees that we have to get it back to where it needs to be but said that we should walk and not sprint back to get there. He suggested looking at a long term strategic plan to get it back to where it needs to be. He commented on the Fire Department and asked why the one department that brings in a million dollars in revenue is the department that gets cut? He understands the process and reasoning behind a Public Safety Department noting that we tried doing this several years ago and why would it work now when it didn't work then? He doesn't feel that it would be efficient or cost effective suggesting that Council looks at that hard. He went on to add that the cuts to LAEGC and AVCOG represent two very short term gains for a long term negative to this community with what these organizations can for this community. He went on to talk about the educational budget. He said that he has not had a chance to really look at it closely but feels that the lack of funding would be worse than funding education in this community.

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Adam Lee, Main Street, said that Wayne said a lot of what he wanted to say but he wanted to comment on the fund balance issue. He said the City Manager's budget letter noted that this was required by ordinance which he said was incorrect. It is a policy that was passed by resolution in 2011. Ordinance is defined as the authoritative law of a municipality and a resolution is not law but merely a form in which a legislative body expresses an opinion. It is a policy passed by resolution, not an ordinance. He talked about how that resolution and how the fund balance number came to be adding that Council can change that the policy in addition to the number of years it would take to *walk* back to a meaningful number when it comes to the fund balance.

Lisa Mayer, 1 Roosevelt Ave. spoke in support of the school budget. She said she started working at St Mary's Hospital recently and they have a lot of meetings because they are having a difficult time attracting and retaining doctors in this area. One of the reasons is because of cuts made to the school budget.

Gary Simard, Cook Street, asked why the Fire Chief position was eliminated before Council has even made a decision to merge the Police and Fire Departments? He went on to say that taking the Fire Chief out of the picture isn't right and the public will not know what the true consequences are of this merger. He said again, he would like to know all of the pros and cons of the changes being made adding, in his opinion, this does impact public safety.

Bob Gardner, a resident and taxpayer of Auburn, said he is sorry to learn of position Council is in by having to make some serious cuts that can handicap operations that residents normally count on. He commented positively on the Library adding that "it is a treasure".

VII. Executive Session - None

VIII. Reports

Mayor's Report – the Danville Junction Grange has officially been listed on the National Register of Historic Places as of April 5, 2016.

He spoke about the Bike-Ped Committee which was formed by resolution and had a sunset clause when formed and had the Mayors of each City reporting back to Council on next steps. He said he has concerns of the current structure and the use of everyone's time. The suggestion he is offering members of the board, all highly capable citizen volunteers on the committee, to empower them to do the work called out and rather than ask a City Councilor to attend those meetings and have the Bike-Ped Committee become a direct report to the Transportation and Environment Committee. One of those members would be expected to attend the monthly Transportation and Environment Committee meeting to report to them.

He provided an update to the TIF workforce training initiative discussion that was talked about at the joint meeting with school department. It is still moving forward but needs additional work. Because no other community has considered doing what we are proposing to do, the DECD (Department of Economic and Community Development) staff wants to work with us to ensure that the metrics we will use can be replicated elsewhere. Unfortunately the news story that ran inferred that we were looking to subsidize the school operations with TIF accounts and that you cannot do. The perception was out there and DECD received many calls as a result.

Last week he attended the LARC (Lewiston Auburn Railroad Corporation) meeting. They talked about renegotiation of a contract with the Growth Council, and the creation of a land sub-committee.

Tomorrow from 2-5 NEPRA (Northern New England Passenger Rail Authority) staff and board members will be coming to Lewiston - Auburn to kick off the service development plan effort. The City of Lewiston is taking lead with State Representative Golden, the Chamber of Commerce is hosting the forum and the meeting is open to public.

On Wednesday morning the University of Southern Maine hosts a monthly corporate partners' breakfast in Portland, and the Mayor will be serving on a panel discussion to talk about the role of Transportation Development for Economic Development for the City of Auburn.

Later this week, he and Doug Greene will be attending a meeting with the New England Chapter of the Congress of New Urbanism which will include an opportunity for the Mayor to speak on a panel at the conference on what is happening in Auburn.

This morning the City broke ground on the Barker Mill Trail Extension. It is an eight foot trail segment. It is expected to be completed within a couple of weeks. There should be an upcoming ribbon cutting.

City Councilors' Reports

Councilor Burns reported on the Community & Economic Development Committee who met last week. There was a presentation to discuss the proposed structure of the new department as well as an overview of budget. They also had an overview and discussion with Reine Mynahan, Community Development Director regarding proposed amendments to a number of programs that are administered by her department. Several proposed amendments were provided to allow more access to these programs.

They heard an update on the FERC licensing issue relating to the Barker Mill Dam. It looks like there have been a few snags, but the Committee recommended Council action.

They also had a short discussion with John Holden regarding the potential repercussions if the LAEGC was not funded in this current budget cycle.

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Friday before last, LAEGC had a meeting in which the issue of Auburns funding came up. The meeting centered around examining the prospect of the loss of funding and what it would look like for the organization.

Councilor Pross added that a suggestion came up during the Council Committee meeting for a formal process or procedure after a Council Committee deliberates an issue, and comes out with a vote and recommendation to the full Council which would be to include on the info sheet in the Council packet, a separate line item listing which committee vetted the policy issue and if they have made a recommendation.

Councilor Walker noted that most of his reports are in the packet, but he wanted to add that the United New Auburn Association has a meeting on the 26th of April at 6pm and the new Recreation Director, Sabrina Best will be speaking. The Neighborhood Watch Group meeting is on April 28th at 6:30pm at the St. Louis building, the Public Safety Committee Group will meet May 4th at 5:30 here at Auburn Hall.

Councilor Gilbert met with the LATC (Lewiston Auburn Transit Committee), the bus station is really coming along ahead of schedule and will hopefully be opening in July. They will be meeting with the Environment and Transportation Committee meeting on May 18th at 5:30. She attended first Airport Board meeting as a board member adding that they have a lot of work that has to be done there.

Councilor Young – asked if there was a conflict with the May 4, 2016 Transportation and Environment and Public Safety and Community Services meeting and there is. They may look into rescheduling the Transportation and Environment meeting.

Councilor Titus commented on the budget stating that his philosophy is that things have to change. We need to have measurable goals and we have to follow through with those goals. Change is always difficult, but the discussions are healthy. He offered his phone number and email address adding that he would like to hear from folks to understand where they are coming from.

He said that he will be attending the Western Avenue Neighborhood Watch Meeting on Thursday at 6pm, and the public is invited to attend.

The Finance and Public Administration Council Committee met in March and discussed EMS and EMS billing and a possible ordinance and will continue that discussion on May 12th. The Committee also discussed tax acquired properties.

Councilor Stone also reported on the Community & Economic Development Council Committee meeting. He commended Councilors Burns and Pross. They tackled a number of items. He also expressed appreciation to Michael Chamings, Eric Cousens and staff for the work they've done. They are working together as a good team. He added that the Finance and Public Administration Committee would be meeting soon.

He praised the Public Services Department with their efforts in helping a resident on Silver Street up by Taylor Pond who reached out to him regarding a drainage issue on her

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Property. He met with the City Engineer, Tony Beaulieu, and the resident and by mid afternoon they had a cost estimate. They did make it clear to the resident that everything for this year was already in the hopper and the work would not be happening this season.

Yesterday was the 33rd awards banquet for the Lewiston Auburn Sports Hall of Fame, which is the only one in Maine. There were four inductees. He noted that it means a lot to them for their home community to recognize them. They have a lot of paraphernalia and would like to have a facility or a couple of accessible rooms in Lewiston or Auburn to set up a display. If anyone knows of any space that could be used please contact him with that information adding that he thinks it could be a tourist attraction.

Councilor Pross wanted to let everyone know that the Summer Street extension work has begun over by West Auburn Road. He thanked Dan Goyette and the Engineering team for getting that going.

On May 21st from 9:30am to Noon at the Lake Auburn Community Center on North Auburn Road, the Lake Auburn Neighborhood Watch Group will be holding the first annual "Trash Off" to clean up litter and debris.

He thanked the Auburn Police Department who responded to a vandalism call at the Taylor Pond Yacht Club. Damage was done to some of the buildings out there. It is being investigated and the private non-profit group is working to try to get that damage cleaned up.

On June 25th the Androscoggin Land Trust is hosting its first annual Boats and Brews Paddling River Race, open to kayakers and canoers starting at Festival Plaza and going down to the Durham Boat Launch. It is being held in conjunction with the Great Falls Brew Fest. This will be a huge day for Lewiston and Auburn and a great event for the community.

He wanted to let everyone know that the Auburn School Committee continues to work on the union contract issue with the teachers.

Councilor Young reported that the Transportation and Environment Committee met. They are still discussing recycling, and single sort. He attended the Great Falls TV Committee meeting and talked about filling those vacant seats.

City Manager Report – he brought up public comments made at the last meeting regarding the Water and Sewer Districts having to do with comments the Mayor made at a previous meeting. The City Manager wanted to set the record straight on those comments and is hoping to create better working relations with them and encourage a meeting between Council and the Water and Sewerage Districts. Assistant City Manager, Denis D'Auteuil, went over some issues that have occurred and also encouraged a joint meeting between Council and the Water and Sewerage Districts to open communications and try to get this moving in a positive way.

Finance Director, Jill Eastman – March 2016 Monthly Finance Report

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Motion was made by Councilor Stone and seconded by Councilor Walker to accept and place on file the March 2016 monthly finance report. Passage 7-0.

IX. Open Session - Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.

Larry Pelletier talked about St. Louis Church and what to put in there. They are searching for developers to help them.

Gary Simard commented that 7-8 years ago the City went through this with cuts. People were scared and they lost a lot of good, valuable people. Some were hired back because the City needed their expertise. He said he would expect that employee morale is pretty poor wondering who is next. He stated that the employees are the City. Let them work for us the best we can, don't over work or make them feel like they will be laid off.

Annette Auger, Elm Street said she worked for State of Maine years ago, and they were all subject to furlough days and asked if anyone has thought of that? She said she feels it is better to have a job and it is one way to cut the budget.

Alfreda Fournier, 46 Davis Avenue said she had a nice conversation with the City Manager, and learned a lot in terms of how stuck we are now. She said this is an accumulative situation that we can't ignore it because it pushes it further down the road. She commended him for grabbing the bull by the horns and making some hard decisions. She did suggest that they take a look at fund balance numbers and if something were to be added back in, she would like to see library funding put back in.

X. Adjournment

Motion was made by Councilor Walker and seconded by Councilor Titus to adjourn. All were in favor, the meeting adjourned at 8:36 PM.

A True Copy.

ATTEST 
Susan Clements-Dallaire, City Clerk



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: 5/2/2016

Ordinance: 04-03072016

Author: Doug Greene, AICP, RLA City Planner

Subject: Form Based Code Text and Map Amendments

Information: Certain areas in Downtown Auburn and New Auburn are being proposed for re-zoning to a new system of development regulation called Form Based Code. If adopted by the City Council, the Form Based Code will replace the traditional zoning currently used in these areas. On December 8th, the Auburn Planning Board held a public hearing at City Hall to have staff present and explain the changes and to hear public input. The Planning Board voted unanimously in recommending a favorable motion to the City Council for a Form Based Code Zoning Map Amendment and Zoning Text Amendment for the Form Based Code.

The Comprehensive Plan recommends that development regulations in the proposed areas (Great Falls Area, the Downtown Traditional Business area and the New Auburn Village Center area) should “encourage new development or modifications to existing buildings to occur in a manner that reflects key elements of the traditional downtown development pattern.”¹ Form Based Code was chosen as the best way to achieve this goal. Form Based Codes are being used across the country to help bring back traditional development patterns by providing a focus on building placement, safe walkable streets, greater flexibility of land uses and a simplified development review process for projects that meet the code and project size requirements.

Advantages: The proposed Form Based Code is simpler to understand, more flexible in the uses allowed, provides an expedited development review process, and affords a predictable development environment.

Disadvantages: The Form Based Code is new and the public and development community will need to be educated by staff on how it works.

City Budgetary Impacts: No financial impact on the administration of the Form Based Code. There will be some printing costs to update the Zoning Ordinance.

Staff Recommended Action: The Staff recommends approval of both the Form Based Code text amendment and the associated Zoning Map amendment.

Previous Meetings and History: Over the last 2 years, the City of Auburn’s Planning Board worked with staff in developing the Form Based Code based on recommendations from the 2010 Comprehensive Plan and the review of successful Form Based Codes. The Planning Board held public meetings in November and December of 2015. The Planning and Development Staff presented the Form Based Code to the City Council at a February 8, 2016 workshop and a March 7, 2016 City Council meeting.

Attachments:

1. Memo to City Council
 2. Complete Form Based Code Draft
 3. Form Based Code Map
 4. Form Based Code Appendixes
-



City of Auburn, Maine

Office of Planning & Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

To: Mayor Jonathan P. LaBonte and the Auburn City Council

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

Date: May 2, 2016

RE: Public Hearing and 1st Reading on Form Based Code Map and Text Amendment

The Auburn Planning Board held a public hearing on April 12, 2016 to consider a motion for a Form Based Code map and text amendment. Notification letters were sent out to all affected property owners and to all abutters within 500 feet.

During the meeting, staff presented the proposal to the Planning Board along with 2 changes:

1. Modifying the side yard set-back for T-5.1, T-5.2 and T-6 from a minimum of five (5) feet, down to a new minimum of zero (0) feet. The Planning Board agreed to amend the Form Based Code to include the proposal.
2. A request to expand the T-6, Great Metropolitan District to include properties along the Androscoggin River and Court Street. The Planning Board discussed and deliberated the proposal and agreed to expand the T-6 District to include properties along the Androscoggin River but not properties along Court Street.

The Planning Board unanimously voted to recommend the City Council approve the Form Based Code map and text amendment, with the changes listed in this memo.

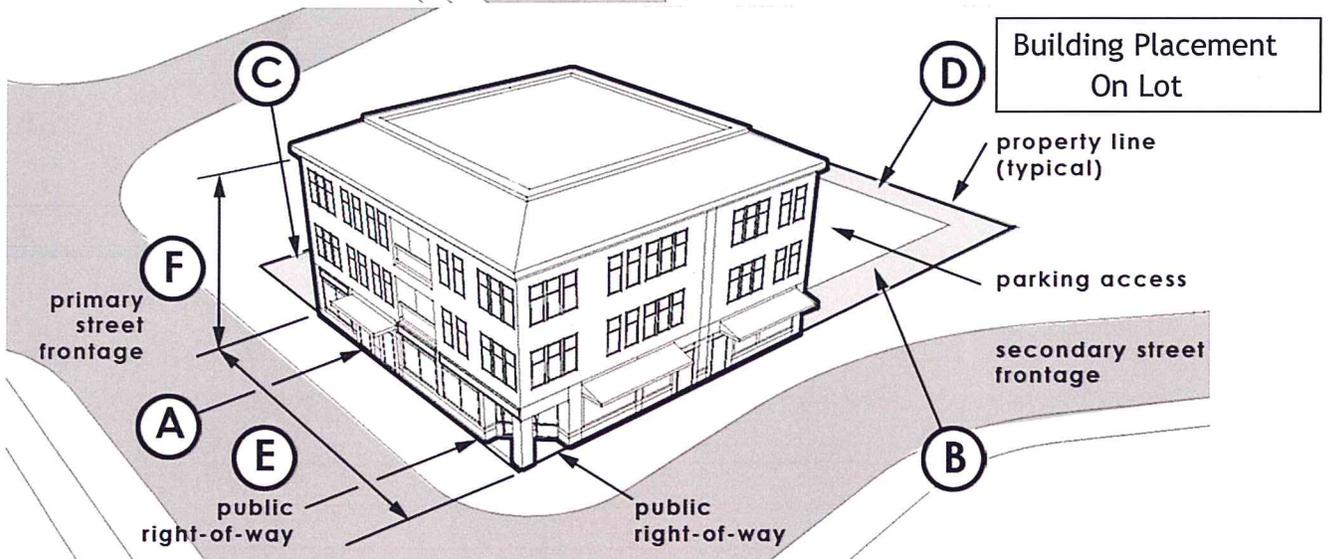
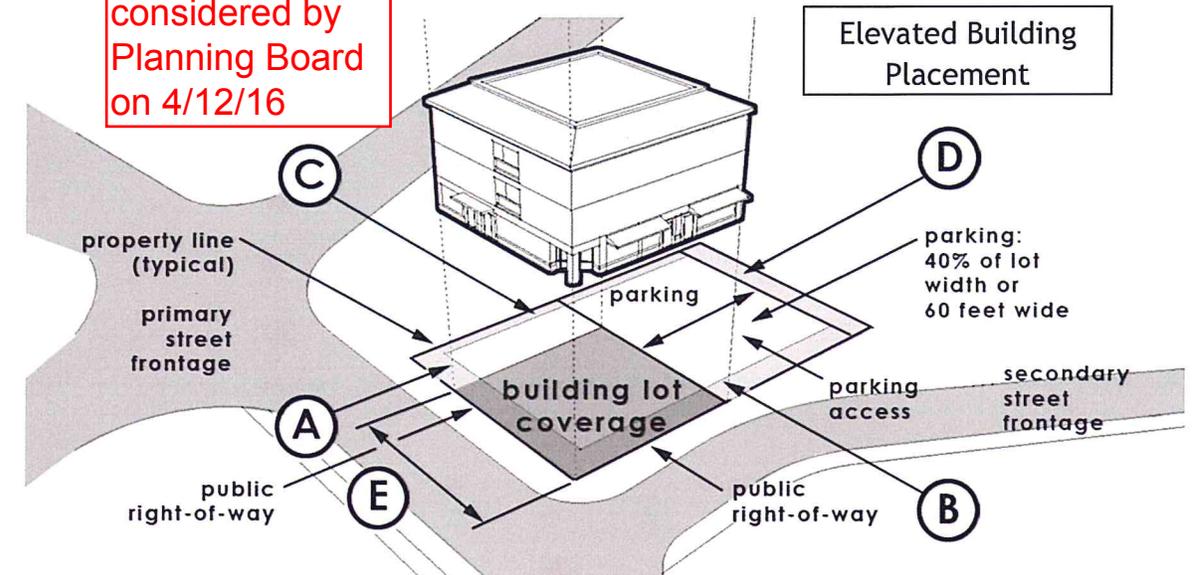
Enclosures:

1. Example of side yard reduction (page 2)
2. Maps of proposed changes to T-6 District (pages 3 and 4)

Cc: File

Sec. 60-550.1 BUILDING PLACEMENT & CONFIGURATION T-5.1

Revisions
considered by
Planning Board
on 4/12/16

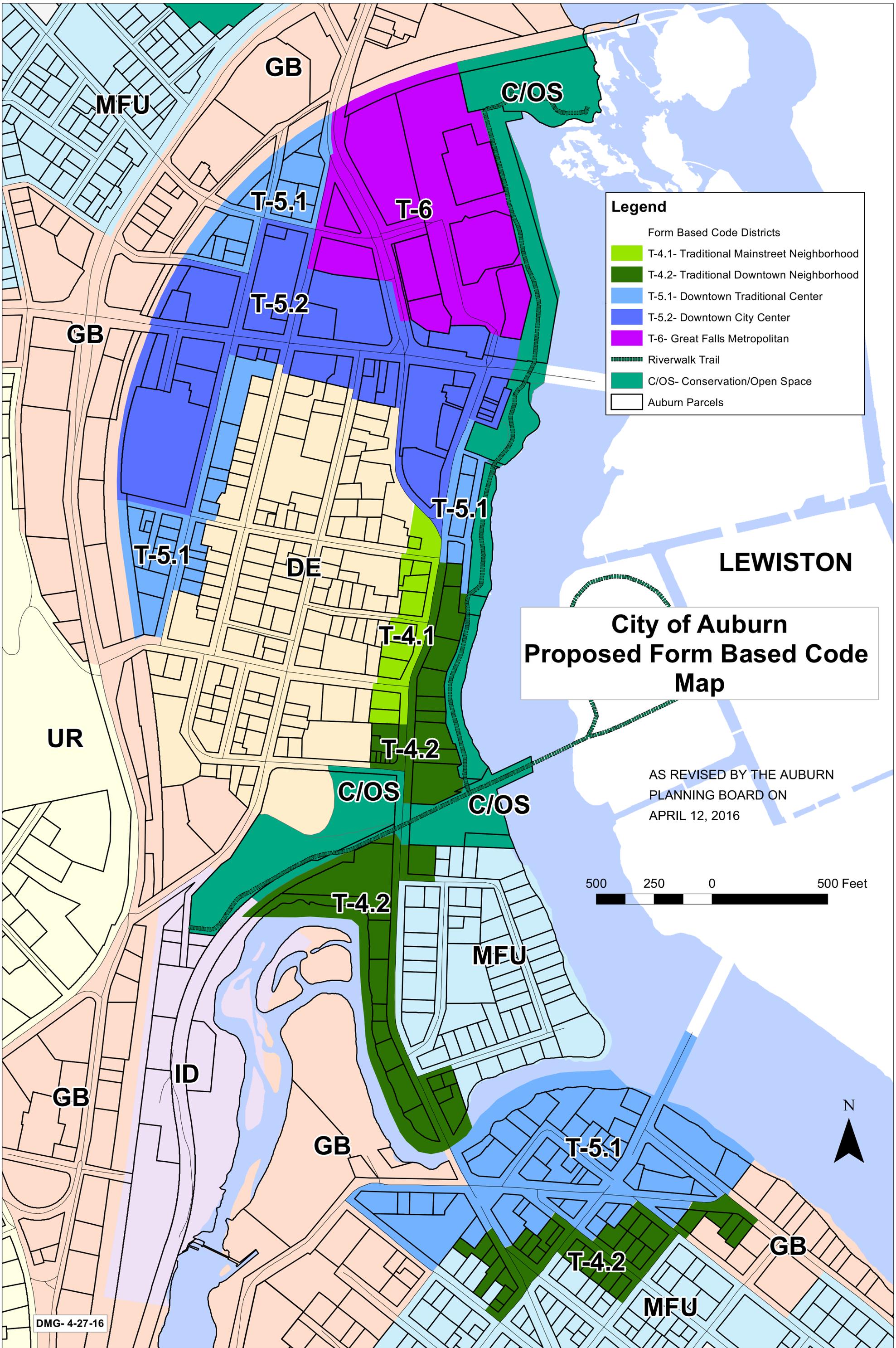


PRINCIPAL BUILDING PLACEMENT:

Front Setback, Principal:	0 ft Min, 10 ft Max	(A)
(Corner Lot) Front Setback, Secondary:	0 ft Min, 10 ft Max	(B)
Side Setback:	0 ft*- 5 ft Min	(C)
	<i>*Subject to Building Permit Approval</i>	
Rear Setback:	10 ft Min	(D)
Building Lot Coverage:	75% Max	
Useable Open Space:	5% Min	
Frontage Build-Out:	75% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 160 ft Max	

PRINCIPAL BUILDING CONFIGURATION:

Building Width:	14 ft Min, 150 ft Max	(E)
Building Height Minimum:	2 Story Min	(F)
Building Height Maximum:	4 Story Max	(F)
	(excluding attic story)	



Legend

- Form Based Code Districts
- 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
- Riverwalk Trail
- C/OS- Conservation/Open Space
- Auburn Parcels

**City of Auburn
Proposed Form Based Code
Map**

AS REVISED BY THE AUBURN
PLANNING BOARD ON
APRIL 12, 2016

500 250 0 500 Feet



Chapter 60 - ZONING ^[1]

Footnotes: --- (1) ---

State Law reference— Municipal planning and land use regulation generally, 30-A M.R.S.A. § 4301 et seq.; land use regulation, 30-A M.R.S.A. § 4351 et seq.; zoning ordinances, 30-A M.R.S.A. § 4352; regulation of manufactured housing, 30-A M.R.S.A. § 4358; enforcement of land use regulations generally, 30-A M.R.S.A. § 4451 et seq.; subdivisions, 30-A M.R.S.A. § 4401 et seq.; fences and fence viewers generally, 30-A M.R.S.A. § 2951 et seq.; local growth management programs, 30-A M.R.S.A. § 4321 et seq.; Airport Zoning Act, 6 M.R.S.A. § 241 et seq.

ARTICLE I. - IN GENERAL

Sec. 60-1. - Terms.

For the purpose of this chapter, certain terms or words used herein shall be interpreted as follows:

Lot. The term "lot" includes the words plot or parcel.

Person. The term "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

Shall/may. The term "shall" is mandatory, the term "may" is permissive.

Tense. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

Used or occupied. The term "used" or "occupied" includes the words intended, designed, or arranged, to be used or occupied.

(Ord. of 9-21-2009, § 2.1)

Sec. 60-2. - Definitions.

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

Accessory Structure or Building means an uninhabited building, at least five feet in distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building or to the principal use of the land and which is located on the same lot as the principal building use. The term "accessory buildings," in residential districts, includes tool sheds, wood sheds, detached garages and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district.

Accessory Use means a subordinate use of land or building which is customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.

Adult Day Center means a supervised facility providing a program of education, crafts or recreation for adults over the age of 55 years.

Animal Unit means one living animal of any species.

Antique Shop means a building, or portion of building, where artifacts from generally recognized previous eras are sold or traded as the primary commercial activity.

Apartment. See the term Dwelling unit.

Architectural Features means exterior building elements intended to provide ornamentation to the building massing, including but not limited to, eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

Art Galleries means a building or place where works of art or other objects of value are kept, displayed, produced and offered for sale to the general public.

Artist Studio, Residential means a dwelling where up to 50 percent of the total floor space can be used for the production of art and/or craft products. The term "residential artist studio" shall not include galleries or studios open to the public for display or sales. All artist studios shall be designed to meet all residential safety and occupancy requirements and shall be considered to be accessory to the residential use. (relocated 2/9/16)

Automobile means a passenger vehicle propelled by a self-contained motor. The term "automobile" also includes motorcycles, all-terrain vehicles, trucks and recreation vehicles (RVs).

Automobile and Marine Paint and Body Shops means a building in which the business of automobile and marine paint and bodywork is conducted. Such use may also include as an accessory use a facility for the orderly display and sale of vehicles which have undergone substantial body repair on the premises. No such facility shall display, outdoors or indoors, or offer for sale more than ten vehicles at any one time.

Automobile and Marine Repair and Service Station means a building, lot or both in or upon which the business of general motor repair and vehicle service is conducted, but excluding junk and/or wrecking businesses.

Automobile, Commercial, means a vehicle the primary use of which is commercial in character.

Automobile Filling station means a building or lot having pumps and storage tanks at which fuel, oil or accessories for the use of motor vehicles are dispensed, sold or offered for sale at retail, where repair service is incidental and no vehicle storage or parking space is offered for rent.

Automobile Garage, Private, means an accessory building or portion of a main building designed, arranged or used for housing of private motor vehicles, only one of which may be a commercial vehicle. Not more than 50 percent of the space in such a garage shall be used for housing vehicles other than those owned by occupants of the premises.

Automobile Parking Lot, Private, means a parcel of land, lot or portion thereof required, in accordance with these regulations, for off-street automobile parking.

Automobile Repair and Service Station means a building, lot or both in or upon which the business of general motor vehicle repair and service is conducted, but excluding junk and/or wrecking business.

Automobile Sales Lot means a lot arranged, designed or used for the storage and display of motor vehicles or any unoccupied trailer for sale.

Automobile Scrap Yard means any land or building used for the dismantling, storage and salvaging for reuse of automobiles or other vehicles not in running condition.

Automotive Towing and Storage means a business engaged in/or offering the services of a tow truck or towing service whereby motor vehicles are towed or otherwise removed from one place to another by the use of a motor vehicle specifically designed for that purpose. Storage of towed vehicles is considered to be the keeping of vehicles in a secured yard for not more than 120 days until claimed or disposed of in accordance with the laws of the state.

Basement means that portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

Bed and Breakfast Home means an accessory use to a single-family dwelling involving the renting of four or fewer guestrooms to transient guests who are staying for a limited duration (seven consecutive

days and/or 60 accumulated days in a calendar year) and the serving of breakfast only to house guests. Such establishment shall be owned and operated by the resident of the dwelling. The term "bed and breakfast home" also includes a tourist home.

Bed and Breakfast Inn means a dwelling involving the renting of more than four but fewer than ten guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast to house guests only. Such use may provide a restaurant, function rooms and places of public assembly.

Boardinghouse or Lodginghouse means a dwelling, which, for compensation, lodging, or lodging and meals are provided to more than four persons and where a proprietor or owner resides in the building. No provisions for cooking in individual rooms other than a main kitchen is allowed.

Building means a structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind. (See the term Structure.)

Building Envelope means the ground area on a lot and the space above it on which a building may be constructed. (added on 10/15/15)

Building Form means the overall shape and dimensions of a building.

Building Height means the vertical distance from the grade of the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the averages of the grades at the center of each street front.

Building Inspector means the building inspector of the City of Auburn, Maine, or ~~their~~ his duly authorized agent.

Building Line means a line beyond which the foundation wall and/or any enclosed porch, vestibule of other enclosed portion of a building shall not project. ~~Also called "Build-to-Line" in Form Based Code.~~

Building, Principal, means a building in which is conducted the principal use of the lot on which it is situated.

Care Home means a rest, nursing, or convalescent home established to render domiciliary nursing care and board for chronically ill or convalescent patients, or persons who are infirm because of mental or physical conditions, but excluding a child care home or one for the care of mentally retarded patients, alcoholics, psychotics or drug addicts.

Cellar means that portion of a building below the first floor joists having at least one-half of its clear ceiling height below the mean level of the adjacent ground. A cellar shall not be used for habitation.

Cemetery means a place used for the permanent interment of dead bodies or cremated remains thereof. A cemetery may be a burial park of earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of one or more thereof.

Child Care Home means a child boarding home, summer camp, foster family home or other place providing domiciliary arrangements for compensation, of three or more children, unrelated to the operator by blood, marriage or adoption, under 18 years of age. A facility providing child day care less than 24 hours per day, per child, to more than five children shall not be considered a child care home. The term "child care home" includes any family-type facility which provides child care to children placed by order of any court of competent jurisdiction, or by any public welfare department, or other governmental agency having responsibility for placing children for care, or placed by child-placing agency licensed under state law.

Child day Care Center means a facility conducted or maintained by anyone who provides, for consideration, care and protection for more than 12 children under 16 years of age, unrelated to the day care center operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care center, but is classified as a nursery school.

Child Day Care Home means an accessory use of a residence by a person residing on a premises to provide on a regular basis, and for consideration, care and protection for up to 12 children under 16 years of age, unrelated to the day care home operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home, but is classified as a nursery school. A child day care home shall not be located closer to another child day care home than 500 feet measured along the street frontage. Child day care homes shall be reviewed under the city's home occupation regulations (article IX of this chapter) and shall meet the following:

- (1) All outdoor play areas, used in conjunction with the day care operation, shall be fully enclosed by a fence, a minimum of four feet in height.
- (2) If the property utilizes a private sewerage disposal/septic system a written verification from a site evaluator, stating that the current system can handle the change of use to include the children in the proposed day care, shall be submitted.

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which buildings, accessory buildings and uses are maintained and controlled by a religious body organized to sustain public worship.

Clinic means an establishment where patients are accepted for treatment by a group of physicians practicing medicine together, but shall not offer domiciliary arrangements; medical and dental.

Club, Private, means any building or rooms, which serve as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

Community Based Residential Facilities (CRF) means dwelling units providing communal domiciliary arrangements for a group of unrelated persons under supervision of the state government human service agencies, for the transition of formerly institutionalized persons back into the mainstream community living and participation, a halfway house, or a group home.

Comprehensive Plan means the master development plan of the City of Auburn, Maine, any amendments or additions thereto, part or portion thereof adopted by the city council upon recommendations of the planning board of Auburn, Maine, pursuant to 30-A M.R.S.A. § 4323.

Convenience Store means a business establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table, other articles of household use and gasoline pump service is offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises.

Court means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings which is bounded on two or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

Dental Clinic means an establishment where patients are accepted for treatment by a group of dentists practicing dentistry together.

Development Standard(s) means building standards that establish basic parameters governing building form, including the envelope for building placement in three dimensions and certain permitted and required building elements such as storefronts, balconies, street walls, etc. The Development Standards establish both boundaries within which development may take place and what requirements apply.

Director or PACE director means the PACE-dDirector of Planning and any successor or other official designated from time to time by the city council to enforce the provisions of this chapter.

District or Zone means an area within which certain uses of land and buildings are permitted or denied pursuant to municipal review, and certain others are prohibited.

District, Overlay, means a special district or zone which addresses special land use circumstances and environmental safeguards and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay zone or district.

Dormitory means a building or portion thereof used for sleeping purposes in connection with a school, college or other educational institution.

Driveway means private ways intended for internal vehicular circulation on a lot or within an automobile parking lot.

Dump means any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or any other means and for whatever purpose of garbage, trash, refuse, dead animals, waste materials of any kind, junk; but not untreated sewage, animal waste, discarded machinery, or vehicles or parts thereof. The establishment of any dump shall be approved by the city council of the City of Auburn.

Dwelling or Dwelling Unit means a building or portion thereof arranged or designed to provide living facilities for one or more families.

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

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

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

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

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

Eave means the edge of a roof which projects beyond the exterior wall.

Encroachment means any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace, or deck that breaks the plane of a vertical or horizontal regulatory limit exceeding into a setback, beyond the Building, into the public frontage, or above a height limit.

Erected includes the terms "built," "constructed," "reconstructed," "enlarged" and/or "retained on."

Facade means the vertical surface of a building.

Family means one or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over four persons.

Farm means any parcel of land containing more than ten acres which is used in the raising of agricultural products, livestock or poultry, or for dairying. The term "farm," under the Agricultural and Resource Protection District, shall be further defined as meeting the following criteria:

- (1) At least 50 percent of the total annual income of the farm occupant and his spouse living in the farm residence will be derived from such uses; and

- (2) At least ten acres of the farm will be devoted to the production by the occupant of field crops or to the grazing of the occupant's livestock. For purposes of this definition, the term "poultry" means no fewer than 100 fowl and the term "livestock" means no fewer than 20 cattle or other animals being raised for commercial purposes.

Farm, animal, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, cows, goats, sheep, hogs and similar sized animals for the domestic use of the residents of the lot, provided that adequate land area is provided for each animal unit ~~contains at least the following~~, excluding water bodies of one-quarter acre surface area or larger:

- (1) Cattle: One bovine animal unit per acre of cleared hay-pasture land.
- (2) Horse: 1.5 animal units per acre of cleared hay/pasture land.
- (3) Sheep: Three animal units per acre of cleared hay/pasture land.
- (4) Swine: Two animal units per acre of cleared land.
- (5) Other animal farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

Floodplain overlay means those areas of the city which are directly affected by flooding as shown on the flood insurance rate maps (FIRM) as established by the Federal Emergency Management Agency and that shall comply with the pertinent regulations found in division 2 of article XII of this chapter pertaining to the Floodplain Overlay District.

Floor area of building means the total number of square feet of floor area of all stories in a building, excluding cellars, uncovered steps and uncovered porches. All horizontal measurements shall be made between exterior faces of walls.

Frontage means the length of a lot extending between the side lot lines of a lot which borders an accepted portion of a street. Maine Turnpike frontage does not apply to this definition.

Form Based Code means 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. (Added 10/16/15)

Form Based Code Zoning District means one of the five areas on the Regulating Plan, including Transect 4.1 (T-4.1), Transect 4.2 (T-4.2), Transect 5.1 (T-5.1), Transect 5.2 (T-5.2), and Transect 6 (T-6).

Frontage Line means the lot line(s) of a lot fronting a street or other public way.

~~*Frontage, Private* means the area between the building façade and the shared lot line between the public right-of-way and the lot.~~

~~*Frontage, Public* means the area between the curb of the vehicular lanes and the edge of the right-of-way.~~

Greenhouse means an enclosed structure where trees, shrubs, vines and plants are propagated, grown or maintained. Activities associated with a greenhouse include:

- (1) The sale of greenhouse products and related supplies; and
- (2) The storage of material used in the maintenance of plants and growing items sold.

Grocery Store means a small retail establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table and other articles of household use are offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises; a corner market, a mom and pop store.

Ground Area of Building means the total number of square feet of horizontal surface covered by a building, including covered porches and accessory buildings. All measurements shall be made between exterior faces of walls, foundation, piers or other means of support.

Group Home See the term Community Based Residential Facilities.

Guesthouse means a detached dwelling that is intended, arranged or designed for occupancy by transient, nonpaying visitors.

Habitable Space means that area within a dwelling which has headroom of not less than seven feet when measured vertically upward from the finished floor, provided that any such area next below the roof of a dwelling shall be counted only if it is connected with the story next below by a permanent inside stairway. The floor area of any porch, cellar room, garage or shed attached to such dwelling shall not be counted in any measure of habitable space.

Half-Story means a story directly under a sloping roof in which the points of intersection of the bottom of the rafters with the interior faces of the walls are less than three feet above the floor level.

Historic Site means a parcel of land, a particular building, or a group of buildings that have played a significant role in the history of the community, and identified as such by the state historic preservation committee.

Historic or Archaeological Resources means areas identified by a governmental agency such as the state historic preservation commission as having significant value as historic or archaeological resources and any areas identified in the municipality's comprehensive plan.

Hog Farm means any land or building used for the purpose of keeping, feeding or raising 20 or more swine per piggery. Establishment of this use requires approval from the city health department.

Home Occupation means the accessory use of a dwelling unit for a business or commercial venture engaged in, by the person residing in the dwelling unit, and which allows up to one person who does not reside on the premises to be employed by that home occupation.

Hospital means any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. The term "hospital" includes general hospitals and institutions in which service is limited to special fields such as cardiac, eye, nose and throat, pediatric, orthopedic, skin, cancer, mental health, tuberculosis, chronic disease and obstetrics. The term "hospital" also includes sanitariums, including those wherein mentally retarded and mental patients, epileptics, alcoholics, senile psychotics or drug addicts are cared for or treated.

Hotel means a building in which the primary use is transient lodging accommodations offered to the public on a daily rate of compensation and where ingress and egress to the sleeping rooms is primarily through an inside lobby or office, supervised by a person in charge at all hours. Such facilities may include accessory uses such as restaurants, bars, nightclubs, function rooms, places of public assembly and/or recreational facilities.

Household pet means any animal kept as a pet and normally housed at night within the owner's dwelling or an accessory building on the same lot, including laying hens, but not including any animal normally raised as livestock or poultry or any animal raised for commercial gain. No household pet shall be kept that creates a public nuisance by reason of:

- (1) Objectionable effects perceptible outside the owner's property, such as excessive or untimely noise or offensive odors; or
- (2) Being a hazard to the health, safety and welfare of neighbors, invited guests or public servants visiting the property in the pursuit of their normal duties.

Illustrative Plan means a plan or map that depicts (i.e. illustrates but does not regulate) the streets, lots, buildings and general landscaping of the proposed Downtown Auburn/New Auburn Form-Based Code District.

Industrial use, heavy, means the use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

Industrial use, light, means the use of real estate, building or structure, or any portion thereof, the main processes of which involve the assembly of prefabricated parts and which will not create a nuisance by noise, smoke, vibration, odor or appearance.

Institution means any building or open area used only by an educational, religious, medical, charitable, philanthropic, or nonprofit organization, either public or private.

Institution, philanthropic, means a private, nonprofit organization that is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization and which either:

- (1) Provides volunteer aid to the sick and wounded of the armed forces in time of war and relief services to victims of natural or manmade calamities; or
- (2) Provides all or any of the following: religious, social, physical, recreational and benevolent service.

Institution, private educational, means any private school or educational institution, however designated, which offers an academic curriculum of college, professional, preparatory, high school, middle school, elementary, kindergarten or nursery school instruction, or any combination thereof; but not a training program of trade, craft, technical or artistic instruction operated by a governmental entity. No private educational institution shall be deemed a home occupation. (See the terms Training school and School.)

Institution, research, means an agency for scientific research of technical development including offices, libraries, laboratories, testing facilities and equipment incidental to such research and development.

Junkyard or automobile graveyard means any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metal, other scrap or discarded material, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof. Establishment and operation of this use requires annual approval from the City Council of Auburn, Maine.

Kennel means any building and/or land used, designed or arranged for the boarding, breeding or care of dogs, cats, pets, fowl or domestic animals, kept for purposes of show, hunting or as pets, except horses.

Land Use Permit means a permit required for the use of property that is legally permitted under the provisions of this chapter.

Landscape Services means the actual planting, bed preparation, installation of landscape materials and maintenance of the landscape, planting and materials. Activities associated with landscaping include: the storage of materials and equipment related to the performance of landscaping, the temporary storage of trees, shrubs and plants pending installation in an existing landscape plan and the application and storage of pesticides and fertilizers by a licensed person.

Lawn Maintenance service means the care and upkeep of the landscape after its installation and consists of such activities as mowing of the lawn, pruning of trees and shrubs, application by hand of fertilizer and weed control, insect and disease control, planting and care of flower beds, replacement of dead plants, incidental repairing of walls and paved surfaces, cleaning of fountains and pool basins, irrigation of lawns, cultivation of soil around trees and shrubs, rolling and reseeded of lawns, raking of leaves, winterization of trees and shrubs and snow removal.

Library means a place containing books and other material for reading, study or reference, provided that no such material is offered for sale.

Livestock means domestic animals kept, used or raised on a farm for the production of income.

Lodge, private. See the term Club, private.

Lot means for zoning purposes, as covered by this chapter, a lot is a parcel of land under one ownership or joint ownership of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an accepted public street and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) A combination of complete lots of record;
- (4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter;
- (5) Lots shown on a plan approved by the planning board of the City of Auburn.

Lot frontage/width means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements or corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of yards in this section.

Lot line, rear, means the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said front lot line.

Lot measurements means the following measurements:

- (1) The depth of a lot shall be considered to be the uninterrupted distance between the midpoints of ~~lot frontage straight lines connecting the foremost points of the side lot lines in front~~ and the ~~midpoint of the rearmost points of the side lot lines in the rear unless a rear~~ lot line unless the lot meets the exception provided for by section 60-39.
- (2) The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between the side lot lines at their foremost points (where they intersect the street line) shall not be less than 80 percent of the required lot width except in the case of a lot on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

Lot of Record means a lawfully laid out lot which is part of a subdivision recorded in the proper office of the registry of deeds, or a lawfully laid out lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types means the diagram which follows illustrates terminology used in this chapter with reference to corner lots, interior lots, reversed frontage lots and through lots. In the diagram above, the lots designated by letters are defined as follows:

- (1) Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. (See lots marked A(1) in diagram)
- (2) Interior lot, defined as a lot other than a corner lot with only one frontage on a street other than an alley.
- (3) Through lot, defined as a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.
- (4) Reversed frontage lot, defined as a lot in which the frontage is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot. (See A-D and B-D in diagram.)

Lot, Undersized, means for zoning purposes, as covered by this chapter, an undersized lot is a parcel of land of insufficient size to meet minimum zoning requirements for area or width or depth.

Major or Principal Arterial Highway means the highway that:

- (1) Serves the major traffic movements within urbanized areas such as between central business districts and outlying residential areas, between major intercity communities, or between major suburban centers;
- (2) Serves a major portion of the trips entering and leaving the urban area, as well as the majority of the through traffic desiring to bypass the central city;
- (3) Provides continuity for all rural arterials which intercept the urban area. The term "major or principal arterial highways" includes Washington Street (State Routes 4 and 100, U.S. 202), Minot Avenue (State Routes 11 and 121), Union Street/Center Street/Turner Road (State Route 4), Veterans Memorial Bridge and approaches (State Routes 11 and 100, U.S. Route 202), North Bridge/Court Street to in town Minot Avenue Intersection (Turner Street), Court to Center Street (State Route 4).

Major Retail Development means a single building in excess of 100,000 square feet of new ground floor retail space.

Manufactured Housing means a structural unit designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term "manufactured housing" includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. The term "manufactured housing" includes newer mobile homes and modular homes.

Mining, Quarrying, or earth removing means the excavation of any earth materials.

Minor Arterial Highway means the highway that:

- (1) Serves trips of moderate length at a somewhat lower level of travel mobility than principal arterials;
- (2) Provides access to geographic areas smaller than those served by the major arterial highway system; and
- (3) Provides intra-community continuity but does not penetrate identifiable neighborhoods. Examples are Riverside Drive, Mill Street, South Bridge (Broad Street to Mill Street), Main Street, Mechanics Row, High Street (Minot Avenue to Academy Street), Academy Street (High Street to Main Street), Elm Street, Spring Street (Minot Avenue to Court Street), Turner Street (Union Street to Turner Road), Mount Auburn Avenue (Center Street to Turner Street), Lake Street, Court Street (Union Street to in town Minot Avenue Intersection), Hotel Road (Manley Road to Poland Spring Road).

Mobile Home Development, intended to be generic, includes mobile home parks, mobile home subdivisions, and mobile home condominiums.

Mobile Home Park means a parcel of land under single ownership in rural residence and suburban residence districts which has been planned and improved for the placement of not less than three mobile homes for non-transient use.

Mobile Homes, newer, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacture certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width and are 700 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings on foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical system contained therein; except that the term "newer mobile homes" includes any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department

of Housing and Urban development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, 42 USC 5401 et seq.

Mobile homes, older, means any factory-built home which fails to meet the definition of manufactured housing and more specifically, the term "older mobile homes" means any mobile home constructed prior to June 15, 1976. These units shall be restricted to approved mobile home parks.

Modular homes means those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

Motel means a building or group of detached buildings intended primarily to provide sleeping accommodations to the public on a daily rate of compensation and having a parking space generally located adjacent to a sleeping room. Such facilities may include a main kitchen or snack bar for the use of motel guests only.

Municipal sanitary landfill means a disposal site for household, commercial and industrial wastes, sludge or incinerator ash operated or controlled for operation by the city in a controlled manner involving the covering of deposited wastes with layers of earth so as to reduce health hazards and public nuisances from vermin, insects, odors and wind-borne debris. The location and design of sanitary landfills also require precautions against ground and surface water contamination through clay lining, water impoundment, aquifer avoidance and similar techniques.

Municipal uses means any lawful use of a building or of land carried on by the city sanitary landfill shall not be deemed a municipal use.

Museum means a building or place where works of art or other objects of permanent value are kept and displayed, provided such objects are not offered for sale.

Nonconforming building means a building lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming lot means a lot lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming use means a use of a building or of land lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform with the use regulations of the district in which it is located.

Nursery means an outdoor place where live trees, shrubs, vines and plants are propagated, grown or maintained before permanent planting. Activities associated with nursery a business include: the sale of nursery products and related gardening supplies, the storage of material used in the maintenance of plants and growing items sold and the use of power-motorized equipment required by the nursery.

Nursery, child, means a facility providing a program less than 24 hours per day per child for the care of infants up to the age of 2½ years.

Nursery, wholesale, means a nursery where plants, trees, shrubs and vines are propagated and/or grown and sold only at wholesale to industry related buyers such as retail nurseries, greenhouses and landscape contractors. A wholesale nursery may also provide landscape services accessory to the nursery use provided.

- (1) At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner; and
- (2) The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

Office means a building, or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations.

Office trailer means a movable vehicle or structure designed for year-round or temporary occupancy for purposes of supervising construction; for business actually engaged in the business of selling manufactured housing, mobile homes and trailers; and as temporary office space for a business during the period in which permanent office space is being constructed.

Outpatient Addiction treatment clinic means a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including but not limited to gambling addition, alcohol or controlled substance addictions. The term "outpatient addiction treatment clinic" includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic shall not be located within 2,000 feet of any property that is occupied by a church, school, family day care home, small day care facility, day care center, or public park or playground on the date of application for a license for such a facility. The term "outpatient addiction treatment clinic" does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

~~PACE means the city's planning, accessing, code, and economic development department.~~

~~Parapet means a low wall along the edge of a roof or the other portion of a wall that extends above the roof line.~~

Parking Space, off-street, means a rectangular area, not less than nine feet by 18 feet, forming a parking stall within or without a structure, not located in any public right-of-way.

Performing Arts Center means a public or private space used to create and present various performing and visual arts. For the purposes of this definition, the term "performing arts center" also includes educational and training uses associated with the various performing and visual arts.

~~Personal Services the furnishing of labor, time and effort by a person as an independent contractor not involving the delivery of a specific end product. (added 2/9/16)~~

~~Place of Worship see definition of Church. (added 2/9/16)~~

Planning Board means the planning board of the City of Auburn, Maine.

~~Planning director means the director of the city department of community development and planning.~~

~~Primary Entrance means a section of building elevation which contains the street level principal entrance of the business, including the businesses on upper floors or in a basement.~~

Principal Use means the principal use for which a lot or main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

Professional Office means rooms and/or buildings used for office purposes as the principal use by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, veterinarians, etc.

~~Realm, Private means the physical and social domain that is considered private by their physical location and visual association being away from public view. This is considered areas behind the front building facade along with side and rear yard areas.~~

~~Realm, Public means the physical and social domain of the public that is held in common either by their physical presence or visual association. This includes but is not limited to sidewalks, plazas, squares, parks, streets, front yards, civic buildings and civic spaces.~~

Recreational Uses of Land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving

ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races and facilities for mass gatherings when used for two or more events during a calendar year.

Regulating Plan means the adopted map that shows the Form Based Code zoning districts, which correspond to the special requirements of the Form Based Code.

Restaurant means an eating place in which food is prepared and vended for immediate consumption on the premises without further preparation by the customer. The takeout of food on an infrequent basis is not prohibited.

Restaurant, Carry-Out, means an eating place in which all food is vended in disposable containers for consumption on or off premises at the customer's choice; a fast-food restaurant.

Restaurant, Drive-in, means an eating place in which the business transacted is conducted by a customer from within his automobile or in which consumption of goods sold normally takes place within the customer's automobile on the establishment's premises.

Retail means a principal use encompassing the sale of commodities or goods in small quantities directly to the consumer. The term "retail" sales does not include sales of professional, financial and governmental services and personal services, including but not limited to a hotel and its accessory uses (restaurants, salons, gift shops, recreational facilities, convention space, etc.).

Retail Space means the areas of a building, within a climate controlled environment, devoted to the display of commodities or goods for sale directly to the consumer and including customer sales transaction areas and areas associated with customer access.

Rifle, Pistol, Skeet or Trap Shooting Range means a rifle, pistol, skeet or trap shooting range operated by an individual or club. Such a range may be opened to the general public or developed for the exclusive use of the individual, or club and invited guests.

Road means any public or private traveled way or any portion thereof.

Roof means the covering for a building which is an integral part of the structure for the purpose primarily of protecting the interior of the building or covering a porch or other similar permanent portion thereof, excluding awnings, stoop coverings, or similar additions which are removable without substantially impairing the original structure.

Sawmill means a unit designed to saw logs into lumber, firewood or other processed wood products.

School means an educational institution offering an academic curriculum; not the teaching of the crafts or a training school offering a program of trade, technical instruction or physical education. (See the term Training school.)

Shared Housing means housing consisting of two or more families occupying a single dwelling and using common cooking facilities. Shared housing shall permit the same number of families at the same density as allowed in the zoning district where the property is located subject to all applicable codes relating to building, housing, life safety, health and zoning as would be applied to independent living units located in the same structure. Approval for shared housing shall be secured from the department of community development and planning subject to the codes and ordinances indicated in this definition, prior to establishing a shared housing arrangement in any building.

Shelter for Abused Persons means dwelling facilities complying with the laws administered by the state government human services agencies, providing temporary domiciliary arrangements for children and adults unable to protect their own interest and welfare because of critical family circumstances.

Shopping Center or office mall means a planned integrated complex of three or more retail stores and/or offices sharing a common structure and developed according to a unified plan. Such uses may include a common pedestrian circulation system and off-street automobile parking facilities.

Sign means any device, display surface, structure or object in public intended for visual communications.

Sign, Mobile Mounted, means a temporary sign which is mounted or for mounting on wheels or a mobile platform or which is portable.

Sign, Official Business Directional, means any off-premise sign permitted to be erected pursuant to article II of chapter 42.

Sign, On-Premises, means any sign that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or maintained or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

Sign, Standing, means any sign that is not attached to a building.

Sign, Temporary, means any movable sign, including its supporting structure, intended to be maintained for not more than 90 days in any calendar year.

Site-Built Home means a building constructed on-site which is designed to be used as a dwelling on foundations, when connected to the required utilities.

Slaughterhouse (abattoir, dressing plant) means any building, place or establishment in which is conducted the slaughtering of livestock and/or poultry for commercial purposes.

Special Exception means a use that would not be appropriate generally or without restriction throughout the district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Such a use may be permitted in such district as a special exception, if specific provision for such special exception is made in this zoning chapter and reasonable restrictions imposed by the planning board are complied with.

Specialty Shop means a retail business offering products of a similar kind and nature designed for a particular use, purpose or occasion and distinguished from a store offering the same type of product together with other products of a non-homogeneous quality.

Stable, Riding, means any building or structure used or designed for boarding, breeding or care of horses, other than horses used for farming or agricultural purposes.

Standing means a person who holds title, right or interest in a property which may include a written option, contract to purchase the property or a leasehold interest or may be a person who can show how his actual use or enjoyment of property will be adversely affected by the proposed decision as an abutter as defined in section 60-1473.

Story means that portion of a building between the surface of any floor and the surface of the other floor or roof next above it, but not including the lowest portion so contained if more than one-half of such portion vertically is below the mean finished grade of the ground adjoining such building unless such space is used for business or as habitable space, in which case it shall count as a story.

Story, Half, means a story under the gable, hip or gambrel roof, the plates of which on at least two opposite exterior walls are more than two feet above the floor of such story.

Street means the following:

- (1) A public way laid out and established by the state, county commissioners of the County of Androscoggin;
- (2) A way accepted by the municipal officers of the city;
- (3) A way as to which a petition for improvements has been allowed under the provisions of this chapter for which the cost of the improvements has been provided for by the developer in either a cash amount or as provided for in this chapter; or
- (4) A way on a plan of a subdivision duly approved by the planning board.

Street frontage. See the term Frontage.

Street Line means a line defining the edge of a street right-of-way separating the street from abutting property or lots.

Street, Secondary means the street that is considered to be less intense to the other on a corner or double sided lot.

Primary Street means the street that is considered to be more intensely used than the other on a corner or double sided lot.

Structure or Building means a combination of materials to form a construction that is safe and stable including, among other things: stadia, reviewing stands, platforms, automobile parking garages, stagings, windmills, observation towers, trestles, sheds, coal bins, shelters and display signs, but not fences of any kind.

Subdivision means a division of land as defined in 30-A M.R.S.A. § 4401.

Summer Camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations not exceeding 30 days.

Supermarket means a retail establishment having an interior selling space of 3,000 square feet or more where general food supplies for the table and other articles of household use are offered for sale.

Swimming Pool means any manmade receptacle or excavation housing a surface area of 250 square feet, or more, designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing whether in the ground or above the ground.

Theater, Indoor, means a building designed and/or used primarily for the commercial exhibition of motion pictures or plays to the general public.

Theater, Outdoor, includes only those areas, buildings or structures designed and used for the commercial outdoor exhibition of motion pictures to passengers in parked motor vehicles.

Tourist Home. See the term Bed and breakfast home.

Townhouse means a single-family dwelling unit that is one of two or more residential buildings having a common or party wall separating the units.

Trailer or RV means any vehicle or structure, except a device exclusively used upon stationary rails or tracks, mounted on wheels for use on highways and streets; propelled or drawn by its own or other motor power; and designed and constructed to provide living and/or sleeping quarters for one or more persons or for the conduct of a business, profession, trade or occupation for use as a selling or advertising device. If the wheels of a trailer are removed, except for repairs, it is deemed a building subject to all the regulations thereof. A trailer shall not be considered an accessory building.

Trailer Home means a travel trailer, camping trailer or other similar vehicle capable of being hauled by a passenger automobile or light truck and designed primarily for temporary occupancy for recreational purposes or other seasonal use. A trailer home shall not be considered an accessory building.

Training School means a public or private school or training institution which offers a training program of trade, technical instruction, or physical education. A training school shall not be deemed a home occupation.

Transect (Rural-to-Urban) means a cross-section of the environment showing a range of different building development zones. The Rural-to-Urban Transect of the human environment is divided into multiple transect zones that describe the physical form and character of a place according to the intensity of its land use and building development pattern.

Transmission Towers means a structure that has the sole purpose of transmitting radio, television, cellular telephone or telephone waves from one location to another.

Useable Open Space means open or green space that is accessible for the use and enjoyment of residents, shall not be steep sloped (over 10% slope), shall not include wetlands, parking or required buffer areas, and may include any required yard area or open areas for play.

Variance means a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. The term "variance" is authorized for only dimensional and supplemental regulations. Establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or adjoining districts.

Wayside Stand means a structure designed, arranged or used for the display and sale of agricultural products primarily grown or produced on the premises upon which such stand is located. A wayside stand may be located on premises that the products are not grown upon provided such premises is owned by the grower.

Wholesale means sales chiefly to retailers, other merchants, industrial and/or commercial users mainly for resale or business use.

Yard means a required open space on a lot unoccupied and unobstructed by any principal structure or portion of a principal structure.

Yard, Front, means the open space extending across the full width of lot between the front lot line and nearest line of the principal building or any enclosed portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line and the nearest point of the building or any enclosed portion thereof.

Yard, Rear, means the open space extending across the full width of lot between the rear line of the lot and the nearest line of the building or any enclosed portion thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building. When the rear lot line is less than ten feet long or if the lot comes to a point at the rear, the depth of the rear yard is measured to an assumed rear lot line as follows, the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said lot line.

Yard, Side, means the open space between the side lot line, the side street line, or the proposed side street line and the principal buildings, or any portion thereof, extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front lot line and/or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the principal building or any portion thereof.

Zone. See the term District.

NOTE: Cross outs are based on comments by the Auburn Planning Board at their October 13, 2015 workshop.

Sec. 60-4. - Zoning districts.

- (a) For the purposes in section 60-3, the use, construction and alteration of buildings and structures and the use and alteration of land in the city are hereby restricted and regulated according to the provisions of this chapter.
- (b) The city is hereby divided into zoning districts designated as follows and more fully described on the official zoning map:

District title	Classification	Short title
Agriculture and Resource Protection	Resource	AG
Low Density Country Residential	Resource/Residential	LDCR
Rural Residence	Residential	RR
Suburban Residence	Residential	SR
Urban Residence	Residential	UR
Multifamily Suburban	Residential	MFS
Multifamily Urban	Residential	MFU
Planned Unit Development	Residential/Commercial	PUD
Downtown Enterprise Zone	Residential/Commercial	DEZ
General Business	Commercial	GB
Neighborhood Business	Commercial	NB
General Business Form Based Code Regulating Plan	Commercial	GB
Traditional Main Street Neighborhood (Transect 4.1)	Residential/Commercial	T-4.1
Traditional Downtown Neighborhood (Transect 4.2)	Residential/Commercial	T-4.2
Downtown Traditional Center (Transect 5.1)	Residential/Commercial	T-5.1
Downtown City Center (Transect 5.2)	Residential/Commercial	T-5.2
Great Falls Metropolitan (Transect 6)	Residential/Commercial	T-6

Industrial	Industrial	ID
Floodplain Overlay District	Environmental	FPO
Taylor Pond Overlay District	Environmental	TPO
Lake Auburn Watershed Overlay District	Environmental	LAO
Shoreland Overlay District	Environmental	SLO
Manufacturing Housing Overlay District	Residential	MHO

(Ord. of 9-21-2009, § 1.2)

Sec. 60-5. - Zoning map.

- (a) The location and boundaries of the zoning districts and Form Based Code Regulating Plan in section 60-4 are as shown on the map entitled City of Auburn, Maine, Zoning Map, dated ~~March 2004~~, revised through its current date and revisions, is hereby adopted by reference and declared to be a part of this chapter.
- (b) As zoning district and form based code boundaries are amended from time to time in accordance with article XVII of this chapter, such changes shall be entered on the official zoning map promptly after final approval of the amendment and the date following "revised through" appearing on the map shall be changed to match the effective date of the latest amendment. All previous editions of the zoning map shall thereupon become obsolete, null and void.
- (c) The official zoning map, revised according to the most recent amendment, shall be located in the office of the department of community development and planning and shall be the final authority on current zoning district and form based code locations and boundaries. It shall be the responsibility of the city planning director to see that the official map is kept current and accurate.

(Ord. of 9-21-2009, § 2.2; Ord. No. 13-09062011-05, 9-6-11; Ord. 12-09062011-04, 9-19-2011)

Sec. 60-6. - Zone boundaries.

In the interpretation of the exact boundaries of zoning districts and form based code as shown on the official zoning map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines;
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following city or county limits shall be construed as following city or county limits;
- (4) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (5) Boundaries indicated as approximately following the centerlines of streams, lakes or other bodies of water shall be construed to follow such centerlines;

- (6) Boundaries indicated as parallel to or extensions of features indicated in subsections (1) through (5) of this section indicated on the official zoning map shall be determined by the measurements using the scale of the map;
- (7) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (1) through (6) of this section, the planning board shall interpret the zone boundaries.

(Ord. of 9-21-2009, § 1.4)

DRAFT

Sec. 60-35. - Conversion of one-family dwellings.

In all residential, general business and ~~central-business-form based code~~ districts, one-family dwellings erected prior to January 1, 1958, may be converted to two-family dwellings provided that:

- (1) Any floor space created by additions to the existing structure after January 1, 1958, shall not be converted to a second dwelling.
- (2) There will not be less than one accessible off-street parking place of 200 square feet in area, exclusive of driveways, per dwelling unit resulting from such conversion.
- (3) Stairways leading to any floor above the first floor will be enclosed within the exterior walls of the dwelling and any fire escapes required will be on the rear or one side of the dwelling and not on any wall facing a street.
- (4) After such conversion, the building converted will retain substantially the appearance and character of a one-family dwelling.

(Ord. of 9-21-2009, § 3.1C)

DRAFT

Sec. 60-40 - Reduction in dimensional regulations.

No lot (except as allowed by the planning board at the time of final approval of a subdivision or development plan) shall be reduced, subdivided, conveyed, divided or otherwise transferred that violates, or creates a lot that violates, any minimum or maximum dimensional regulation of this chapter. No building permit or other municipal permit or license shall be issued to any of the land so transferred or to the land retained until all of such land or lots are in conformance with all dimensional regulations. If a serious health or safety issue with the property should arise, the director of planning and permitting services shall determine if a permit should be issued to correct the problem. This provision shall not allow further nonconformity to occur in order to achieve the corrective action necessary. Any land taken by eminent domain or conveyed for a public purpose shall not be deemed in violation of this provision. Any setback or lot that is reduced below the minimum or extended beyond the dimensional requirements as a result of land taken by eminent domain or conveyed for a public purpose shall not be deemed nonconforming. Setbacks for the enlargement of any existing building located on such a lot shall be referenced to the property line as it was located prior to the eminent domain action or the conveyance for a public purpose.

(Ord. of 9-21-2009, § 3.1H)

DRAFT

Sec. 60-47. - Corner lots.

There shall be a front yard along the street line as provided for under yard requirements, front in the district where located. all other yards shall be considered as side yards and measured as provided for under yard requirements, side in the district where located. On corner lots within the Form Based Code Districts, there shall be a Primary Street front yard and a Secondary Street front yard with minimum and maximum building setback requirements. The yard opposite from the Primary Street shall be considered the rear yard while the yard opposite the Secondary Street shall be considered the side yard.

(Ord. of 9-21-2009, § 3.10)

DRAFT

DIVISION 14. - ~~CENTRAL BUSINESS DISTRICT~~¹- FORM BASED CODE

Sec. 60-546. – PURPOSE:

The purpose of the Form Based Code is to

- a) Provide a building development pattern that is based upon the built environment’s physical form and its relationship to the Public Realm and the Private Realm.
- b) Allow for a diversity of uses appropriate and compatible to the designated district area
- c) Provide a more accelerated building design, review, approval and construction process.
- d) Deliver a more predictable building development outcome that is consistent with the traditional pedestrian-oriented street-building development pattern. .

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 5 Form Based Code Districts, (Transect 4.1, 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.

¹ NOTE: All text from the Central Business District has been deleted and replaced with the new Form Based Code



Illustrative View of T- 4.1 (Main Street)

Intent and Purpose:

Traditional Main Street Neighborhood (T- 4.1)

The Main Street Neighborhood district is designed to continue the existing pattern of large houses set along Main Street. This area is characterized by front porches, residential front yards and front doors facing the street. T- 4.1 promotes a lower-density and less concentrated pattern of buildings along the street, while maintaining a pleasing, connective and compact multi-modal environment.

Sec. 60-548 TRADITIONAL MAIN STREET NEIGHBORHOOD T-4.1



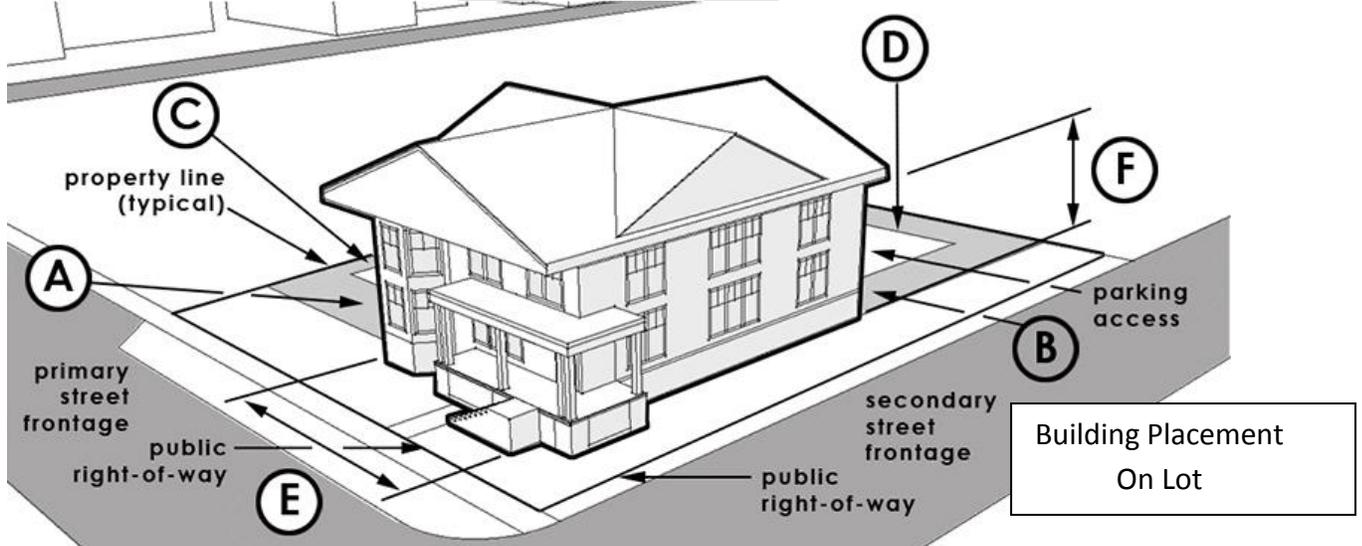
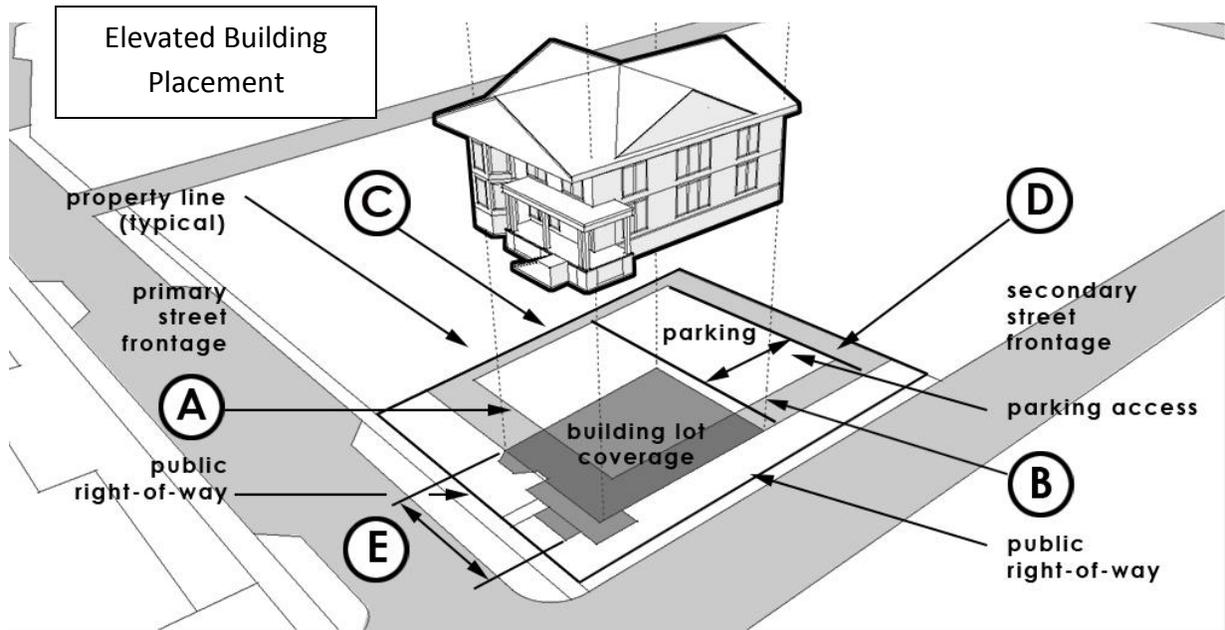
Characteristic Features

- Front lawns
- Front facade detailing
- Frontage fences
- Porches
- Bay windows
- Foundation planting and yard landscaping
- Street Trees
- Lower Density



Examples of Main Street Neighborhood - T- 4.1

Sec. 60-548.1 BUILDING PLACEMENT & CONFIGURATION T- 4.1

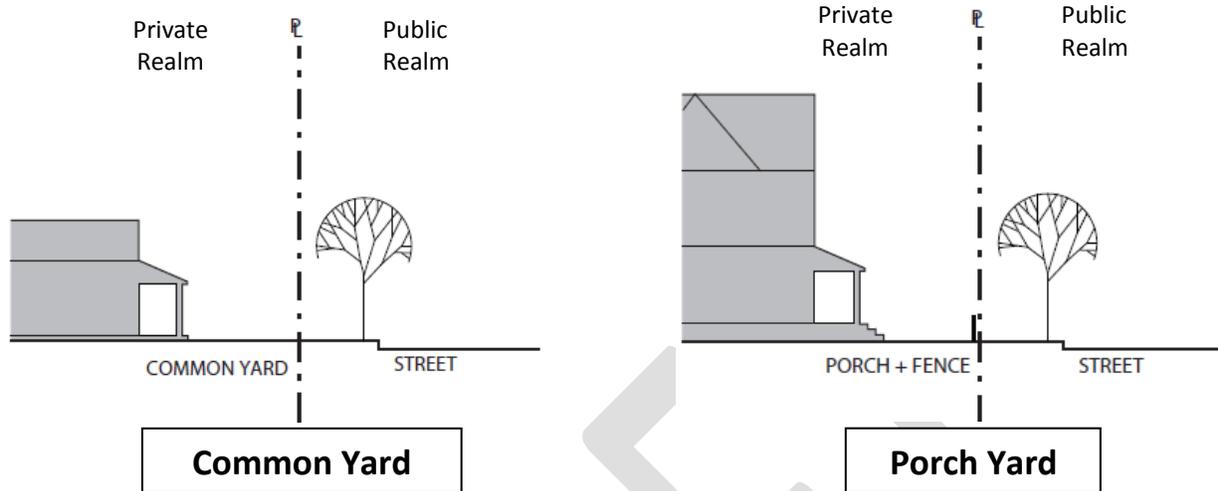


PRINCIPAL BUILDING PLACEMENT:

Front Setback, Principal:	15 ft Min, 25 ft Max	(A)
(Corner Lot) Front Setback, Secondary:	15 ft Min, 25 ft Max	(B)
Side Setback:	5 ft Min	(C)
Rear Setback:	10 ft Min	(D)
Building Lot Coverage:	60% Max	
Useable Open Space:	20% Min	
Frontage Build-Out:	40% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 120 ft Max	

PRINCIPAL BUILDING CONFIGURATION:

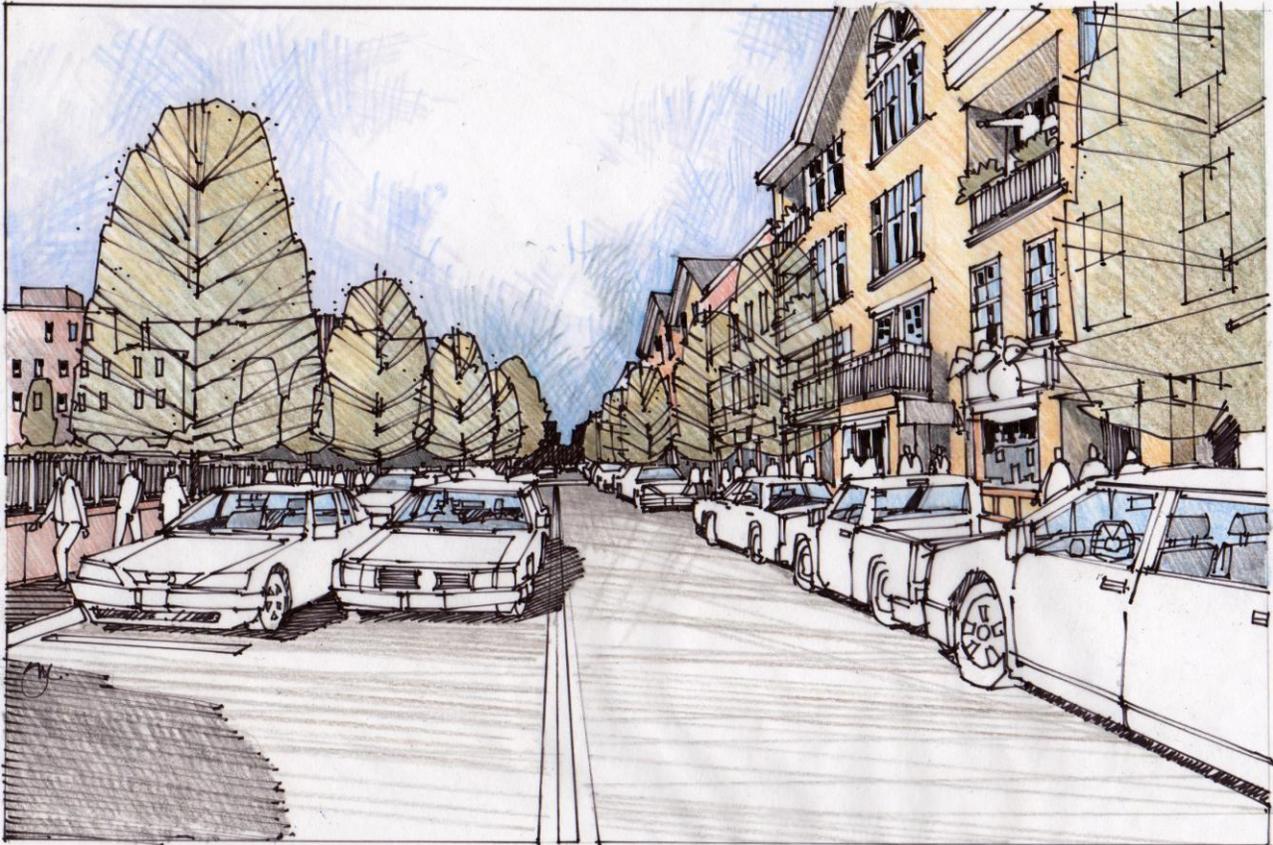
Building Width:	14 ft Min, 64 ft Max	(E)
Building Height Minimum:	2 Story Min	(F)
Building Height Maximum:	2 Story Max	(F)
	(excluding attic story)	



BUILDING FRONTAGE TYPES:	Common Yard; Porch Yard
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facades:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	The ground story shall be a minimum of 2 feet and 6 feet maximum above the front yard elevation (average grade).
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

Front Yard Fence:	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. Chain link, vinyl, split rail, or barbed wire is not 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 or maximum front setback line.
Porch & Stoop Encroachments:	Porches & Stoops may encroach upon the minimum front setback line by the following distances: Front Setback, Principal Frontage 10 ft. maximum. Front Setback, Secondary Frontage 10 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 sidewalk or travel way. 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.

Illustrative View of T- 4.2 (Spring Street)



Intent and Purpose:

Traditional Downtown Neighborhood (T- 4.2)

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 set-backs form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.

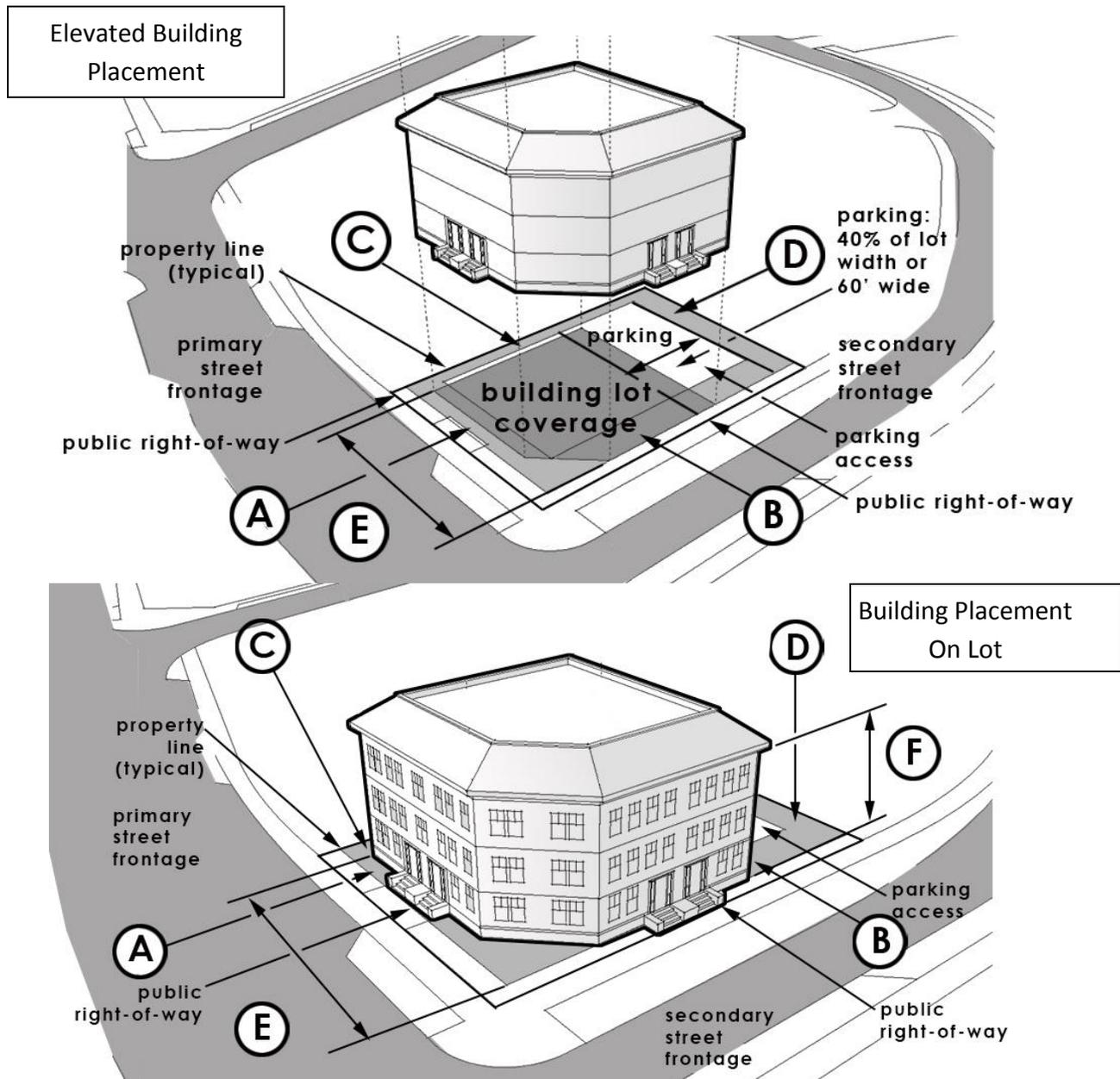
Sec. 60.549 TRADITIONAL DOWNTOWN NEIGHBORHOOD T- 4.2



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. 60-549.1 BUILDING PLACEMENT & CONFIGURATION T-4.2

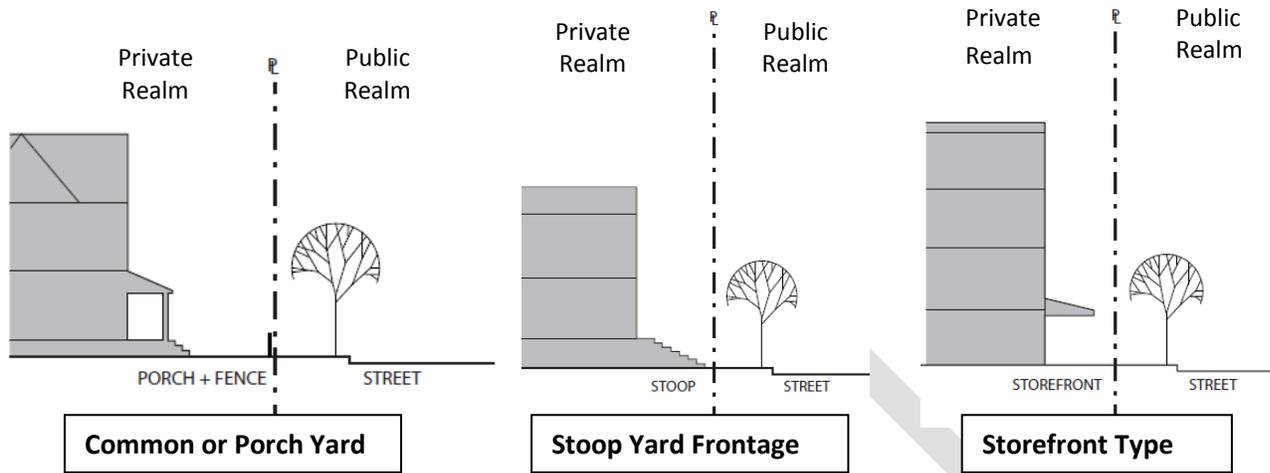


PRINCIPAL BUILDING PLACEMENT:

Front Setback, Principal:	5 ft Min, 15 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)



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.

<p>Front Yard Fence:</p>	<p><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</p>
<p>Front Yard Fence/Wall Opening:</p>	<p>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.</p>
<p>Building Projections:</p>	<p>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.</p>
<p>Porch & Stoop Encroachments:</p>	<p>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.</p>
<p>Garages:</p>	<p>Detached garages shall be located a minimum of 20 feet from any street right of way.</p>
<p>Driveways:</p>	<p>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.</p>
<p>Parking:</p>	<p><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.</p>
<p>Accessory Structures:</p>	<p>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.</p>
<p>Landscaping:</p>	<p>Landscaping is encouraged but shall not extend into any street right of way or sidewalk. Street trees are encouraged.</p>
<p>Foundation Planting:</p>	<p>Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.</p>



Illustrative View of T- 5.1 (Future Great Falls Plaza)

Intent and Purpose:

Downtown Traditional Center (T- 5.1)

The Downtown Traditional Center zone is characterized by medium to larger sized buildings in a compact urban environment that generates an active street life. There is interplay between the Public Realm of the busy street and sidewalk, and the Private Realm of the residential stoops, commercial storefronts and gallery building fronts. The increased building widths form a more solid and compact street wall pattern, generating an energized traditional downtown feel.

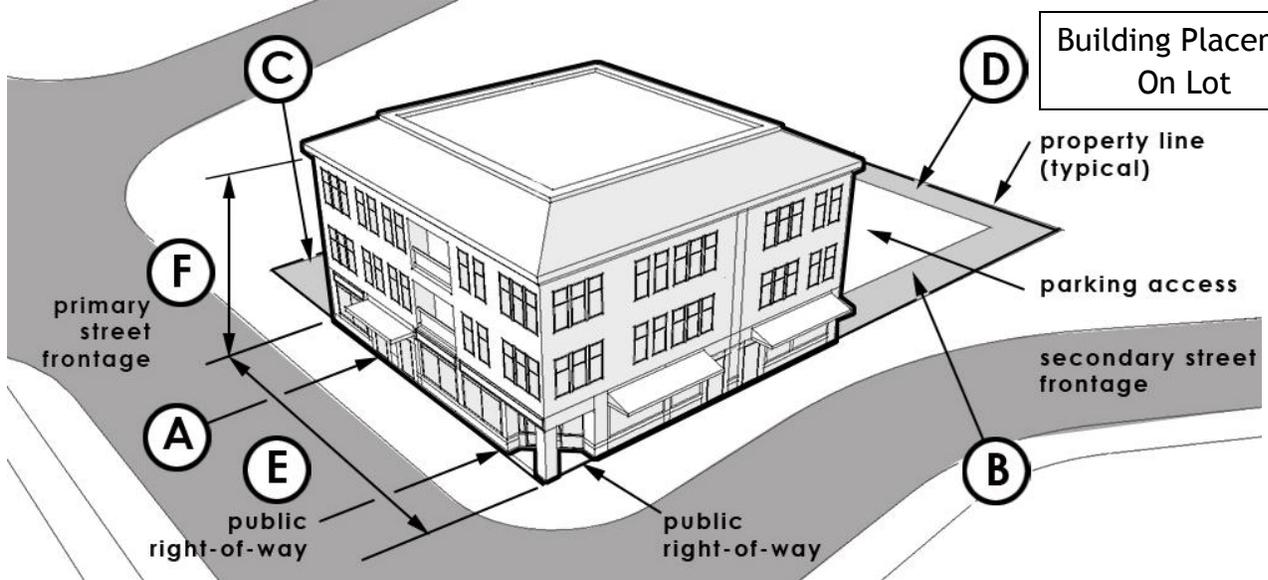
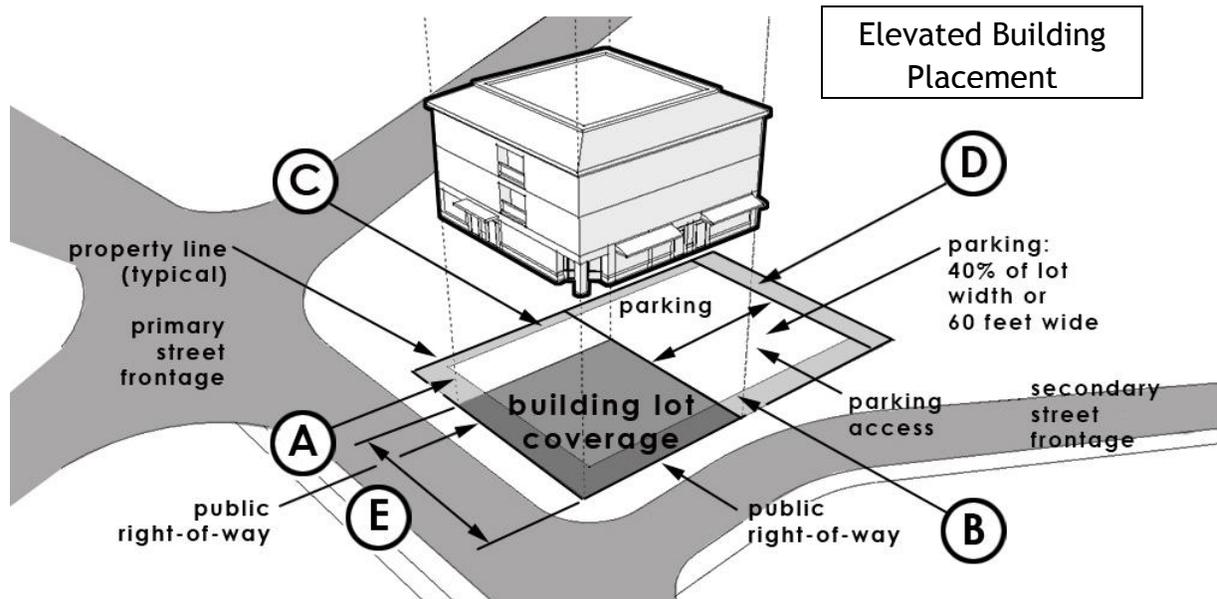


- Key Features**
- Vibrant and active interaction between public and private realms
 - Larger buildings
 - Front facade detailing
 - Bay windows
 - Balconies
 - Street trees
 - More urban density



Examples of Downtown Traditional Center – T- 5.1

Sec. 60-550.1 BUILDING PLACEMENT & CONFIGURATION T-5.1

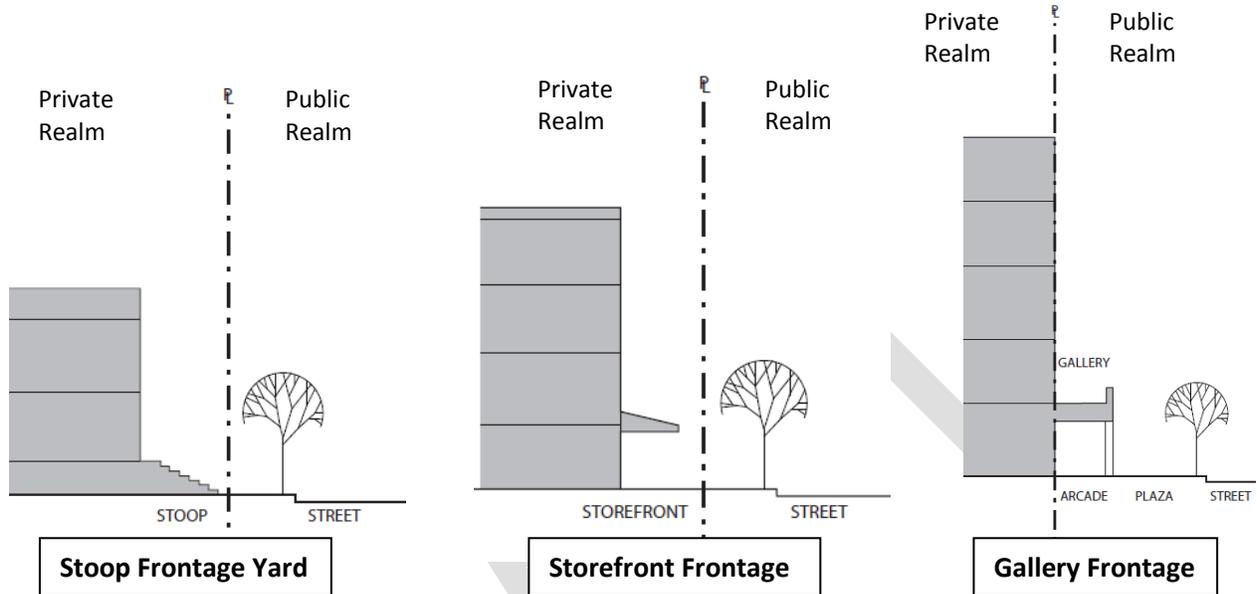


PRINCIPAL BUILDING PLACEMENT:

Front Setback, Principal:	0 ft Min, 10 ft Max	(A)
(Corner Lot) Front Setback, Secondary:	0 ft Min, 10 ft Max	(B)
Side Setback:	0*-5 ft Min	(C)
	<u>*Subject to Building Permit Approval</u>	
Rear Setback:	10 ft Min	(D)
Building Lot Coverage:	75% Max	
Useable Open Space:	5% Min	
Frontage Build-Out:	75% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 160 ft Max	

PRINCIPAL BUILDING CONFIGURATION:

Building Width:	14 ft Min, 150 ft Max	(E)
Building Height Minimum:	2 Story Min	(F)
Building Height Maximum:	4 Story Max	(F)
	(excluding attic story)	



BUILDING FRONTAGE TYPES:	Stoop, Storefront and Gallery
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	The ground story must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade).
Front Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

Front Yard Fence: (Residential)	<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.
Street Wall/Wall Opening:	A vehicle entry way, as part of a street wall, shall be a maximum width of 20 feet (residential) and 24 feet (commercial); 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.
Stoop Encroachments:	Stoops may encroach upon the front setback line by the following distances but not encroach in the street right of way.
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 sidewalk or travel way. 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.



Illustrative View of T- 5.2 (Court Street)

**Intent and Purpose:
Downtown City Center (T- 5.2)**

The Downtown City Center district is characterized by medium to large sized buildings in a compact urban environment. This setting will generate social and cultural activity and events, economic stimulation and human interaction. The streets will be important transportation corridors with large sidewalks. The large residential and commercial building widths, frontages and building heights form a solid, compact street wall pattern. The Downtown Center will generate regional economic development activity along with energized social and lifestyle options.

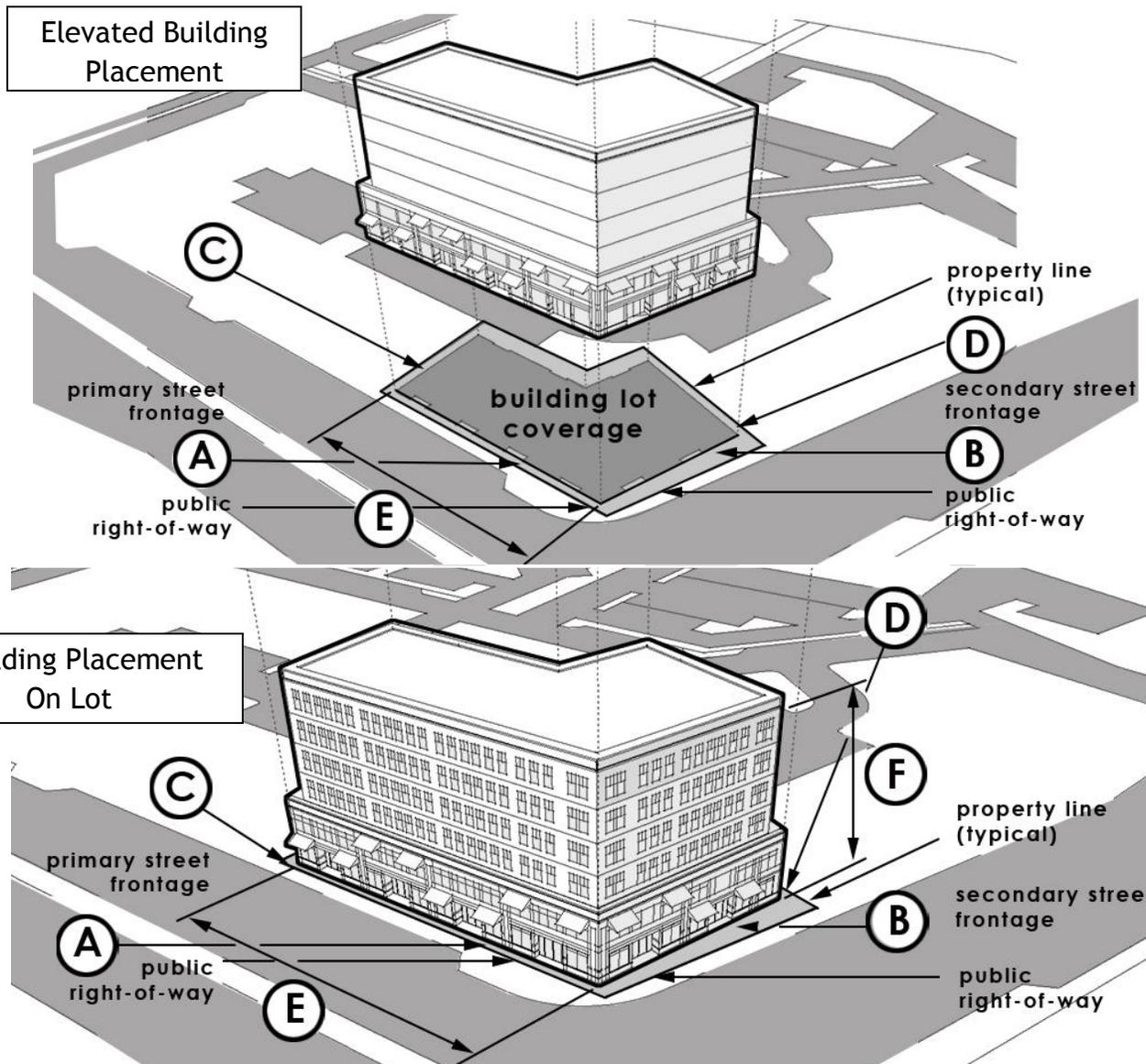


Key Features

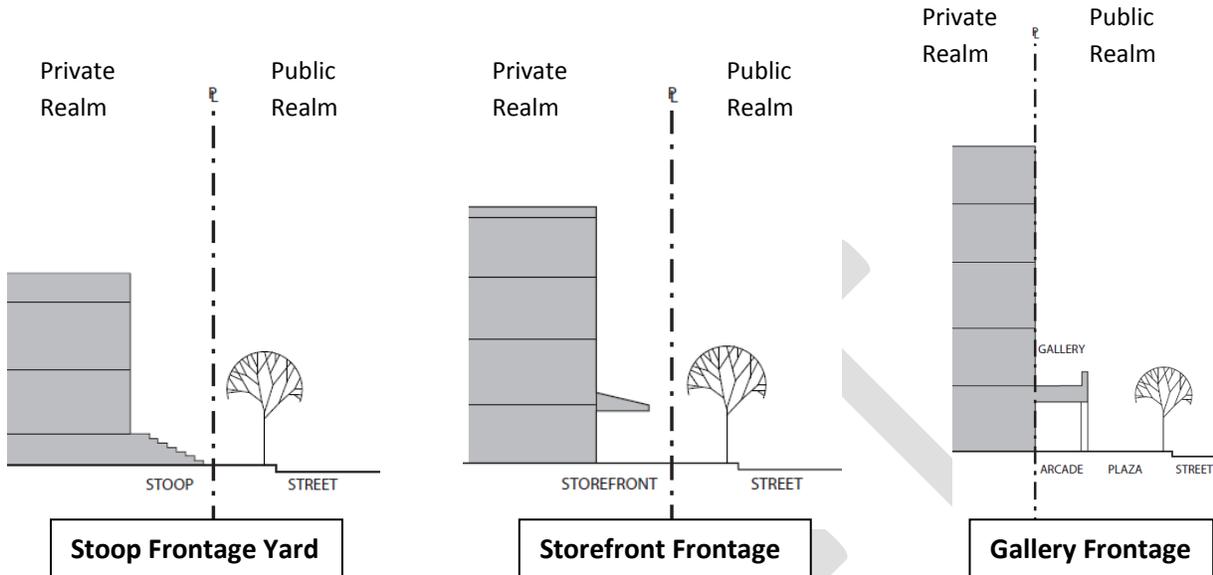
- Vibrant street life
- Front facade detailing
- Articulated storefront entrance
- Awnings for storefronts
- Balconies
- Wide sidewalks
- Street Trees
- Compact Urban Environment



Examples of Downtown City Center- T- 5.2



PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	0 ft Min, 10 ft Max	(A)
(Corner Lot) Front Setback, Secondary:	0 ft Min, 10 ft Max	(B)
Side Setback:	0*-5 ft Min	(C)
	<i>*Subject to Building Permit Approval</i>	
Rear Setback:	10 ft Min	(D)
Building Lot Coverage:	80% Max	
Useable Open Space:	5% Min	
Frontage Build-Out:	85% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 240 ft Max	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	12 ft Min, 230 ft Max	(E)
Building Height Minimum:	2 Story Min	(F)
Building Height Maximum:	6 Story Max	(F)
	(excluding attic story)	



BUILDING FRONTAGE TYPES:.....	Stoop, Storefront and Gallery
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 facade frontage. <u>Storefront:</u> Windows and doors shall comprise a minimum 60% and maximum 90% coverage of the total ground story facade frontage.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation:	<u>Residential:</u> Ground story must be a minimum of 2 feet or 6 feet maximum above the average front yard elevation. <u>Storefront:</u> Ground story must be a minimum of at the average sidewalk elevation or a maximum of 2 feet above the front yard elevation.
Front Facade Wall:	Blank lengths of wall exceeding 15 linear feet are prohibited.

<p>Front Yard Fence: (Residential)</p>	<p>A front yard fence a minimum of 3 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street.</p>
<p>Front Yard Fence/Wall Opening:</p>	<p>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.</p>
<p>Required Street Wall Height:</p>	<p>A street wall a minimum of 4 feet and maximum of 6 feet shall be required along the building line frontage that is not otherwise occupied by the principal building on the lot. The height of the street wall shall be measured from the adjacent public sidewalk or from the adjacent ground elevation once construction is complete.</p>
<p>Building Projections:</p>	<p>No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.</p>
<p>Stoop Encroachments:</p>	<p>Stoops may encroach upon the front setback line by the following distances but not encroach in the street right of way.</p>
<p>Parking:</p>	<p><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.</p>
<p>Landscaping:</p>	<p>Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.</p>



Illustrative View of T-6 (Turner Street)

Intent and Purpose:

Great Fall Metropolitan (T-6)

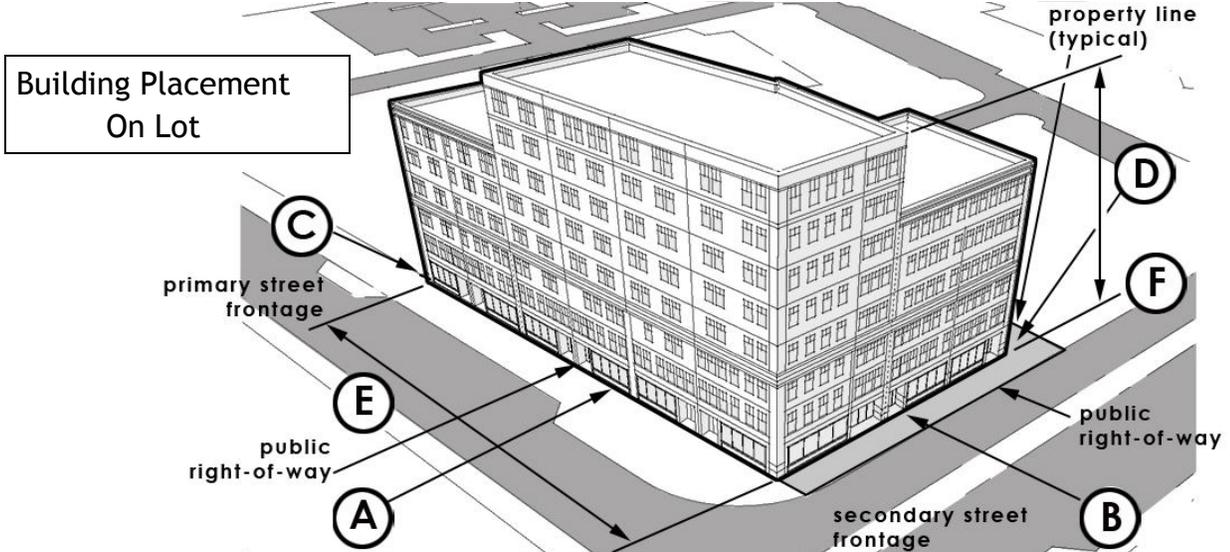
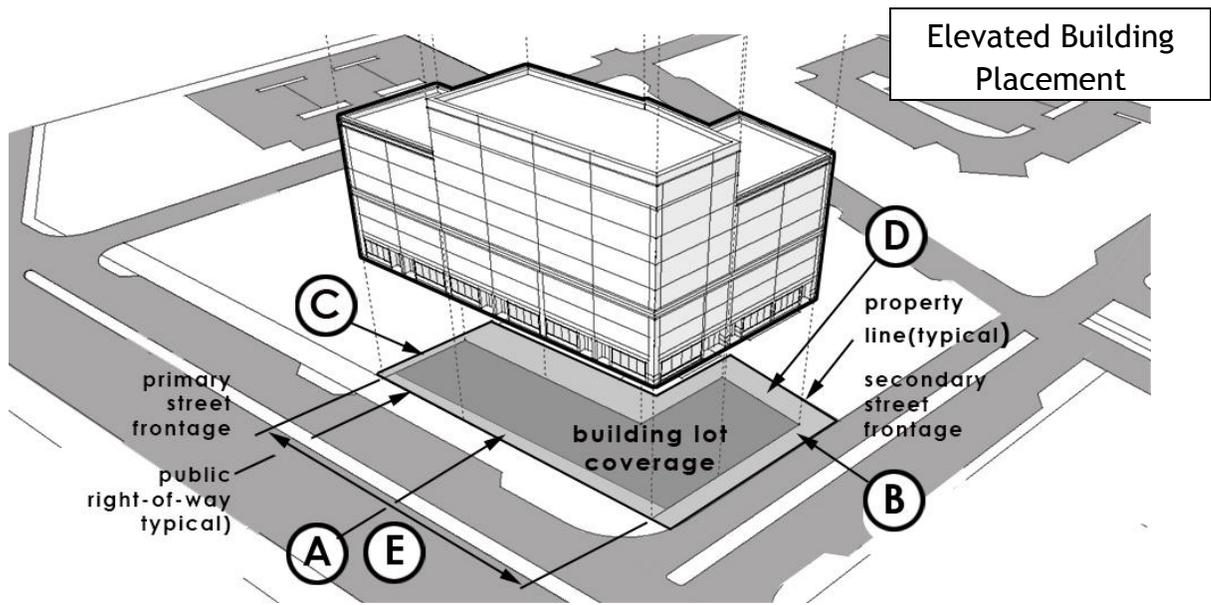
The Great Falls Metropolitan zone is characterized by large buildings up to 8 stories tall that will define the City of Auburn's emerging downtown. A new central square, "Great Falls Square" will provide a downtown focal point and center for professional enterprise and commerce. The Great Falls Metropolitan urban form will generate strong regional socio-economic gravitational pull, attract corporate investment and become a regional destination for visitors, events, entertainment, shopping and social gatherings.

Key Features

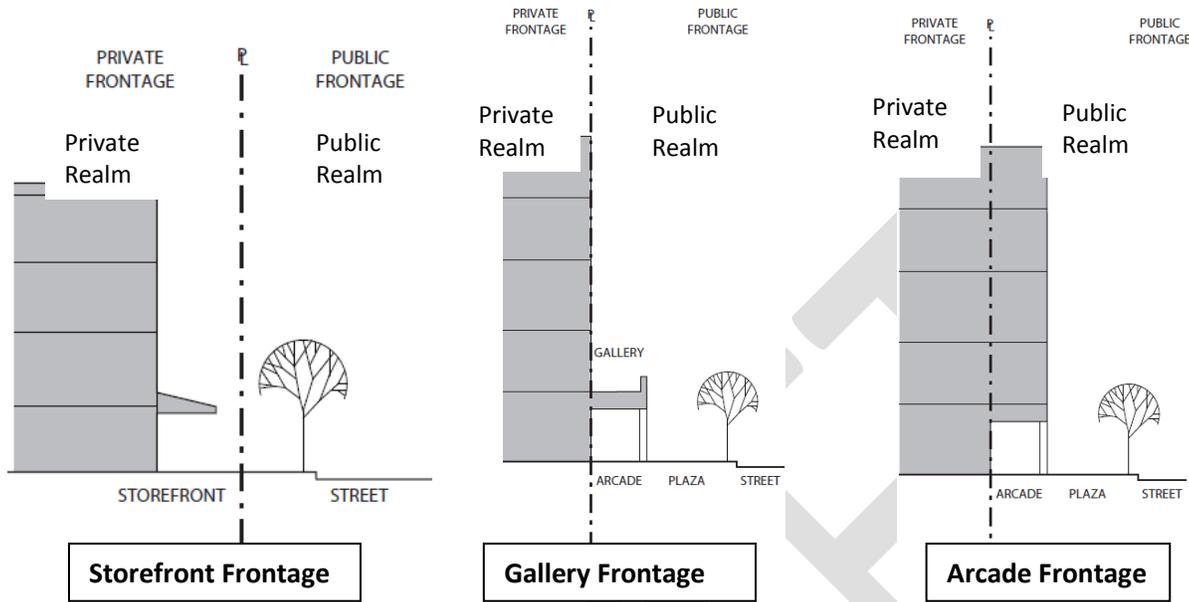
- High energy downtown center
- Balconies
- Articulated storefront entrances
- Awnings for storefronts
- Wide sidewalks
- Street trees
- Streetscape elements (benches, planters)
- Transportation hub
- High density



Examples of Great Falls Metropolitan T-6



PRINCIPAL BUILDING PLACEMENT:		
Front Setback, Principal:	0 ft Min, 10 ft Max	(A)
(Corner Lot) Front Setback, Secondary:	0 ft Min, 10 ft Max	(B)
Side Setback:	0*-5 ft Min	(C)
	<i>*Subject to Building Permit Approval</i>	
Rear Setback:	10 ft Min	(D)
Building Lot Coverage:	90% Max	
Useable Open Space:	5% Min	
Frontage Build-Out:	90% Min (along Front Setback, Primary)	
Lot Width:	24 ft Min, 240 ft Max	
PRINCIPAL BUILDING CONFIGURATION:		
Building Width:	14 ft Min, 230 ft Max	(E)
Building Height Minimum:	4 Story Min	(F)
Building Height Maximum:	8 Story Max	(F)
	(excluding attic story)	



BUILDING FRONTAGE TYPES:	Storefront, Gallery and Arcade
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Façade:	Windows and doors shall comprise a minimum 60% and maximum 90% coverage of the total ground story facade frontage.
Upper Story Building Frontage Façade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story facade frontage.
Ground Story Finished Floor Elevation	Must be a minimum of the average sidewalk elevation and maximum of 2 feet.
Front Façade Wall:	Blank lengths of wall exceeding 15 linear feet are prohibited. Architectural jogs of up to 18 inches in depth are permitted.

<p>Street Wall Opening:</p>	<p>A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 18 feet; a pedestrian entry way shall be a maximum width of 6 feet.</p>
<p>Required Street Wall Height:</p>	<p>A street wall a minimum of 4 feet and maximum of 6 feet shall be required along the building line frontage that is not otherwise occupied by the principal building on the lot. The height of the street wall shall be measured from the adjacent public sidewalk or from the adjacent ground elevation once construction is complete.</p>
<p>Building Projections:</p>	<p>No part of any building, except overhanging eaves, awnings, balconies, bay windows, and other architectural features shall encroach beyond the minimum front setback line.</p>
<p>Stoop Encroachments:</p>	<p>Stoops may encroach upon the front setback line by the following distances but not encroach in the street right of way.</p>
<p>Parking:</p>	<p><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.</p>
<p>Landscaping:</p>	<p>Landscaping is encouraged but shall not extend into any street sidewalk or travel way. Street trees are encouraged.</p>

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

* * *

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

Notes:

- (1) Uses not listed are considered prohibited unless deemed similar by the Director of Planning or by the Planning Board through a special exception approval.
- (2) * Parking requirements in T-5.1, T- 5.2 and T-6 may be provided by the municipality or private parking resources within 1,000 feet of the principal building, subject to Planning Board approval.
- (3) Where more than 50% of floor space is devoted to Age Restricted Goods

S = Special Exception
sp = parking space

P = Permitted
sf = square foot of gross floor space

X-Prohibited
DU = Dwelling Unit

Sec. 60-555-558 FORM BASED CODE ADMINISTRATION

Sec. 60-555. Form Based Code Administration-

A. Form Based Code Relation to Zoning Ordinance

1. The Form Based Code shall regulate areas designated as Form Based Code Districts.
2. All buildings and land uses located within a Form Based Code District shall comply with Sec. 60-33 (General Provisions unless specifically stated otherwise in Sec. 60-546 to 60-558 of the Form Based Code.
3. Site Plan/Special Exception- Any project located within a Form Based Code District that requires special exception or site plan review shall comply with Sec. 60-45.

Sec. 60-556. Form Based Code Plan Types-

A. Administrative Types-

1. By Right- No Permits are required for projects such as normal maintenance or for new structures under 200 sq. ft.
2. Minor Administrative- Projects that require permits and comply with all Form Based Code or Zoning regulations, may be approved and permitted by the appropriate City Departmental Staff and will not require multiple departmental or Planning Board approval. These projects can be applied for at any time.
3. Major Administrative- Projects that do not qualify as a Subdivision, Special Exception or Site Plan Review type plans and comply with all Form Based Code or Zoning regulations, but due to multiple issues, will require review by the multiple City Departmental Staff.

B. Discretionary Type Plans- The following plan types shall require review and action by the Planning Board.

1. Subdivisions of 3 or more lots over a 5 year period or a project creating more than 3 dwelling units. (Subdivision Review)
2. Any project listed as Special Exception or "S" in Section 60-554, Use and Parking Matrix Chart. (Special Exception and Site Plan Review)
3. Any project within the Form Based Code District proposing a total of 12,000 square feet of new construction, all floors included. (Special Exception and Site Plan Review)
4. Any amendment to an existing discretionary plan that increases existing square footage more than 25%
5. Any project located within the Form Based Code District area that seeks a waiver from the adopted Form Based Code Regulating development standards shall submit

Sec. 60-555-558 FORM BASED CODE ADMINISTRATION

a complete Special Exception and Site Plan Review application for Planning Board review and action.

Sec. 60-557 – Applicability-

1. Any Minor, Major Administrative Type Plan and/or Discretionary Plan, as defined in Section 60-556, located within a Form Based Code district, shall be required to submit a Development Review Application prior to any issuance of building permits or development activity.
2. Any development activity on or within property located with the Form Based Code District shall be reviewed for compliance with applicable Form Based Code or Zoning Ordinance regulations.

Sec. 60-558 – Form Based Code Development Application Procedure

A. Administrative Type Plan Application Process-

1. Applicant identifies the subject property's zoning/transect district and determines what plan type the project is.
2. Applicant reviews the project's compliance for Form Based Code Development Standards Chapters 60-548 through 551; including all sections on Purpose, Building Placement & Configuration, Building Frontages, External Elements, Lot Layout, the Parking & Use Matrix Chart and Administration; along with any other applicable Zoning Ordinance Regulations.
3. Pre-Development Consultation- All Administrative Type Plan applicants are encouraged to contact the Auburn Planning Office for a pre-development consultation to confirm the property's Form Based Code or Zoning District and discuss the Form Based Code requirements and related Zoning and/or other regulatory items. Failure to consult with the Planning Office may result in the delay of acceptance, review and approval of the application.
4. Any Minor or Major Administrative Plan or Discretionary Plan applicant in a Form Based Code district shall complete and submit a cover letter describing the project, a Development Review Application, a Form Based Code Development Checklist and the appropriate application fee and number of applications to the Planning Office.
5. All Form Based Code applications will be reviewed by the Planning Staff for completeness and applicant will be notified within 5 working days if the plan is deemed complete and whether the plan is Administrative or Discretionary. The

applicant is responsible for working with the Planning Staff to correct any deficiencies needed to be accepted for further review.

6. Type 2 and 3 Administrative Plans will be reviewed by the appropriate City Departmental Staff or other relevant agencies who will recommend approving, disapproving or postponing to allow for time to correct the application. The Director of Planning will notify the applicant of the decision in writing within 15 calendar days of its receipt of a completed application.
7. The Director of Planning shall have the authority to require an Administrative Plan to be considered by the Planning Board and notify the applicant the justifications for doing so.

B. Discretionary Project Application Process-

1. Applicant Identifies Subject Property's Zoning/Transect and determines what plan type the project is.
2. Applicant reviews the project's compliance for the applicable Form Based Code Development Standards Chapters 60-548 through 551; including all sections on Purpose, Building Placement & Configuration, Building Frontages, External Elements, Lot Layout, the Parking & Use Matrix Chart and Administration; along with any other applicable Zoning Ordinance Regulations.
3. Pre-Development Consultation- All potential development and project applicants are encouraged to contact the Auburn Planning Office for a pre-development consultation to confirm the Form Based Code or Zoning regulations and discuss the form based code requirements and related zoning and/or other regulatory items. Failure to consult with the Planning Office may result in the delay of acceptance, review and approval of the application.
4. Discretionary Plan applicants will submit; a Development Review Application, a Form Based Code Development Checklist the appropriate application fee and number of applications to the Planning Office for review and consideration by the Planning Board according to their normal submission deadline and meeting schedule.
5. Applications not meeting all the requirements of the Form Based Code may include waiver as per Sec. 60-1312 or variance requests as part of their application.

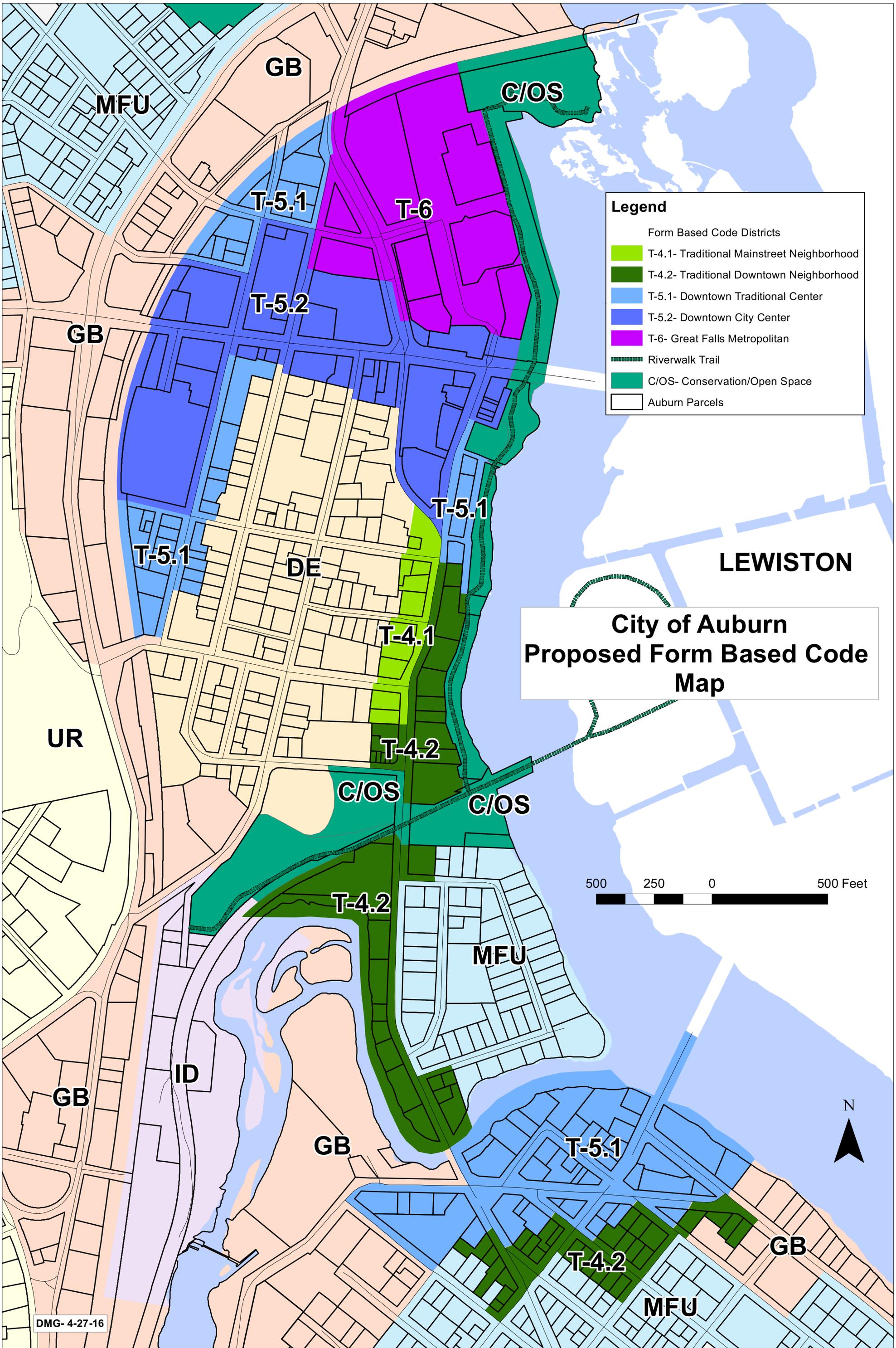
C. Waiver Requests-

1. Any waiver request of Form Based Code standards and requirements must identify what is regulation is being requested for the waiver and include a narrative

explaining how the waiver, if approved, will allow the project to meet the purpose of the Form Based Code and the objective of Sec 60-1277, Site Plan Law.

D. Planning Board Approval-

1. The Planning Board shall approve, approve with conditions, disapprove or postpone based on its review of the application meeting all existing requirements, conditions, criteria and provisions of Special Exception, Site Plan Review, Subdivision Law and any other relevant procedural requirement of Chapter 60, Zoning, as part of its consideration of a Form Based Code application.
2. The Planning Board shall provide findings for approval or disapproval based on the application's meeting the purpose of the Form Based Code.



Legend

- Form Based Code Districts
- 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
- Riverwalk Trail
- C/OS- Conservation/Open Space
- Auburn Parcels

**City of Auburn
Proposed Form Based Code
Map**

500 250 0 500 Feet





City of Auburn, Maine

Office of Planning & Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

April 15, 2016

Dear Property Owner,

Certain areas in Downtown Auburn and New Auburn are being considered for re-zoning to a new system of development regulation called Form Based Code. If adopted by the City Council, the Form Based Code will replace the traditional zoning currently in place in these areas. On May 2, 2016, the Auburn City Council will hold a public hearing at City Hall at 7 pm to present the Form Based Code and to hear public input. This notification letter for the public hearing is being sent to affected property owners and abutters within 500 feet.

Over the last 2 years, the City of Auburn's Planning Board has been developing the Form Based Code based on recommendations from the 2010 Comprehensive Plan. The Comprehensive Plan recommends that development regulations in the Great Falls Area, the Downtown Traditional Business area and the New Auburn Village Center area should "encourage new development or modifications to existing buildings to occur in a manner that reflects key elements of the traditional downtown development pattern."¹ Form Based Code was chosen as the best way to achieve this goal. Form Based Codes are being used across the country to help communities bring back traditional style development by providing a focus on building placement, safe walkable streets, greater flexibility of land uses and a more simplified development review process.

Auburn's initial Form Based Code Districts will include 5 types:

1. T-4.1- Traditional Main Street Neighborhood
2. T-4.2- Traditional Downtown Neighborhood
3. T-5.1- Downtown Traditional Center
4. T-5.2- Downtown City Center
5. T-6- Great Falls Metropolitan

An interactive map is available at <http://www.auburnmaine.gov/pages/government/form-based-code-info> that will help you see where the Form Based Code District is being proposed.

How will this zone impact affected properties?

These Form Based Code Districts are designed to reflect, protect and promote the existing traditional development patterns that evolved over many years. Here are some basic facts on what the Form Based Code does.

- More building area is allowed
- Smaller set-backs
- Reduced parking requirements

¹ Auburn 2010 Comprehensive Plan, pg. 91.

- Greater flexibility how you can use your property
- New construction will have to follow the Form Based Code
- Additions of less than 25% to existing buildings are exempt from Form Based Code
- Most new development that follows all the Form Based Code requirements² can apply directly for a building permit

The Form Based Code is one key step in the City's goal of revitalizing the Downtown and New Auburn urban centers. Form Based Code can do this by making new development easier to permit, creating a more predictable development environment and to encouraging traditional type development that promotes safe, attractive and active streets for people.

We encourage you to look at a special webpage on the City's Web Site at: <http://www.auburnmaine.gov/pages/government/form-based-code-info> which, can help you:

- Find out what properties are proposed to be included in the Form Based Code District
- Review the specific Form Based Code regulations
- Review the complete draft of the Form Based Code
- Better understand why the city is making this change
- Review other Form Based Code information and related links

A hard copy of the Form Based Code is also available for review at the Auburn City Hall Planning Office located on the 1st floor for those without internet. You can also call the Planning Office at (207) 333-6601 or contact Doug Greene, City Planner by calling (207) 333-6601 ext. 1156 or email him at dgreene@auburnmaine.gov for more information.

Sincerely,



Douglas M. Greene, AICP, RLA
City Planner

C: Mayor Jonathan Labonte
Members of the City Council
City Manager Howard Kroll

² Except projects over 12,000 s.f. or listed as a Special Exception in Use and Parking Matrix

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 04-03072016

Be it ordained by the Auburn City Council, that the City of Auburn Zoning Ordinance, Article IV, Division 14, be amended by replacing the Central Business District with a Form Based Code and related text amendments, and by amending the official City of Auburn Zoning map as shown on the attached draft dated February 9, 2016.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: May 2, 2016

Author: Reine Mynahan, Community Development Director

Subject: Public Hearing for FY2016 Community Development Program

Information: According to the requirements of the Community Development Program, a public hearing shall be held prior to adoption of the budget. The public hearing has been set for May 2, 2016.

Advantages: Opportunity for public input.

Disadvantages: n/a

City Budgetary Impacts: n/a

Staff Recommended Action: Open and close the public hearing.

Previous Meetings and History: Workshop of March 17

Attachments: None



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: May 02, 2016

Order: 26-05022016

Author: Alison F. Pepin, License Specialist

Subject: Request by New Auburn Little League to waive the Food Service Establishment/On or Off Premise license fee of \$150.00 for Sherwood Heights and Pulsifer Park facilities.

Information: The New Auburn Little League, a non-profit group providing athletic programs for children between the ages of 4 and 12, living in the City of Auburn, is requesting the food service fee of \$150.00 be waived for the concession stands located at Sherwood Heights and Pulsifer Park facilities.

Sec. 14-31. Fees; waiver. The fees for business licenses shall be paid by the owner or his agent in accordance with the business fee schedule established by the City Council. The City Council is the only authority allowed to waive fees prescribed by ordinance. An application for waiver of any fees must be presented in writing to the city clerk to be brought to the City Council at its next available meeting.

Advantages: Will continue to provide athletic programs for children between the ages of 4 and 12 living in the City of Auburn; will continue to allocate money from the sales toward the care and improvement of fields and building, and will potentially attract families with children to live in our community.

Disadvantages: Could potentially set a precedent for other non-profits requesting waiver of fees.

City Budgetary Impacts: \$150.00

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Fees have been waived in the past.

Attachments:

- Letter from New Auburn Little League
- Exemption Certificate of Non-profit
- Order 26-05022016

New Auburn Little League



P.O. Box 775 Auburn, ME 04212

March 18, 2016

City of Auburn
Attn: Sue Clements Dallaire
60 Court St.
Auburn, ME 04210

Dear Mayor LaBonté & City Council Members;

In the past New Auburn Little League has requested a waiver for the Victualers License, now called the FSE-Class G. Could we please have the waiver granted again for both of the fields that we use – Sherwood Heights and Pulsifer Park for our 2016 season?

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Dori Anne Tarr".

Dori-Anne Tarr
President
New Auburn Little League



Maine Revenue Services
Augusta, Maine

PERMANENT EXEMPTION CERTIFICATE

This Exemption Certificate
is issued under the provisions of Title 36, Part 3 MRSA

NEW AUBURN LITTLE LEAGUE
PO BOX 775
AUBURN, ME 04212-0775

Registration Number : E61042
Date Effective: November 29, 1990
Date Issued: April 28, 2011

ACTING EXECUTIVE DIRECTOR
Thomas D. Dwyer

Form ST-2
2013142110427

This certifies that the organization named above is a nonprofit youth organization whose primary purpose is to provide athletic instruction in a nonresidential setting. It is therefore entitled to purchase tangible personal property or taxable services that will be used exclusively by the organization for the purposes for which it is organized without payment of the Maine sales or use tax.

Note to the Organization: This certificate is not to be used in activities that are mainly commercial enterprises including, but not limited to, purchases of items which will be resold by the organization. A copy of this certificate with the certification completed below, must be provided to your vendors in order to purchase goods exempt from tax. It is only necessary to provide one copy to the vendor. Subsequent purchases should indicate that the purchase is exempt from tax. In order to be exempt, the sale must be billed directly to and paid for directly by the organization named on the exemption certificate. This certificate cannot be used for purchases when payments are made with cash, personal checks, or personal credit cards.

Note to the Vendor: This certificate must be taken in good faith from the taxpayer named above. Your good faith may be questioned if you have knowledge of facts which give rise to a reasonable inference that the purchaser is not the holder of the exemption certificate or that the merchandise is not to be used exclusively by the organization. This certificate is valid only if the following certification is completed.

PERMANENT EXEMPTION CERTIFICATE

I HEREBY CERTIFY: That the above exemption certificate is valid, that the tangible personal property described herein which I shall purchase from _____ will be used exclusively by the organization named above for purposes for which it is organized.

Description of property to be purchased:

Authorized Signature

Date

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 26-05022016

ORDERED, that the City Council hereby approves the request by New Auburn Little League to waive the Food Service Establishment/On or Off Premise license fee of \$150.00 for Sherwood Heights and Pulsifer Park facilities.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: May 02, 2016

Order: 27-05022016

Author: Alison F. Pepin, License Specialist

Subject: Request by Kiddo's, LLC., 945 Center Street to waive the Food Service Establishment/On or Off Premise license fee of \$200.00.

Information: Kiddo's, LLC., a for profit business, located at 945 Center Street is requesting the food service fee of \$200.00 be waived. The primary business is an indoor play center for children 0-6 years old and their guardians. As an additional service, they sell prepackaged snack food and water, which requires a State of Maine Department of Agriculture license and a City of Auburn food license.

Sec. 14-160. - License required. No person shall engage in, operate or conduct the business of the manufacture, preparation, sale or service of food in the city unless such person has first acquired a license in accordance with Articles I and II of this chapter.

Sec. 14-31. Fees; waiver. The fees for business licenses shall be paid by the owner or his agent in accordance with the business fee schedule established by the City Council. The City Council is the only authority allowed to waive fees prescribed by ordinance. An application for waiver of any fees must be presented in writing to the city clerk to be brought to the City Council at its next available meeting.

Advantages: None

Disadvantages: Could potentially set a precedent for other businesses requesting waiver of fees.

City Budgetary Impacts: \$200.00

Staff Recommended Action: Staff does not recommend waiving fees for for-profit organizations.

Previous Meetings and History: N/A

Attachments:

- Letter from Kiddo's
- Order 27-05022016



April 11, 2016

City of Auburn
Auburn Hall
60 Court Street
Auburn Maine 04210



Dear City of Auburn:

We are requesting a waiver of application fee for the FSE for our business, Kiddo's LLC. We are a small business and do a miniscule amount of food sales. The type of food sold is limited to prepackaged raisins, fruit snacks, applesauce and water we purchase at BJ's.

The \$200 FSE fee would likely exceed the amount of sales in actuality.

Sincerely,

A handwritten signature in blue ink that reads "Meghan Levesque".

Meghan Levesque
Owner
Kiddo's, LLC

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 27-05022016

ORDERED, that the City Council hereby approves the request by Kiddo's, LLC., 945 Center Street to waive the Food Service Establishment/On or Off Premise license fee of \$200.00.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: May 2, 2016

Resolve: 04-05022016

Author: Eric Cousens, Deputy Director of Planning and Development

Subject: Barker Mill Dam Flow Studies and Recreational Concerns

Information: The Barker Mill Dam uses the Little Androscoggin River to generate power. Hydropower has an impact on river flows, the environment and recreational opportunities and the FERC relicensing process takes those impacts into consideration. We only get a chance to comment on a license renewal every 30 to 50 years so it is important that we advocate for compatibility and even contribution to accomplishing community goals in exchange for using the public's river for private power generating revenues. Based on past Council direction we asked for the Owner to assess recreational access including fishing and viewing improvements and future potential demand, a white water potential study at varied flows and a review of public and private benefits of the facility. We have been engaged with other stakeholders including the Androscoggin Land Trust, American Whitewater, Maine DEP, National Park Service, Trout Unlimited, Maine IF&W, we have encouraged/helped the applicant to host past meetings in LA and at the Barker Mill Housing building and promoted the goals of the New Auburn Master Plan and Comprehensive Plan through the licensing process. There is a strong interest in recreation within the project boundaries and the New Auburn Master Plan Identifies increased river access as Recreation Goal # 1. The applicant has been asked to give us ample notice to promote a "River Day" event during the flow study and we are concerned that they have not done that and we will be unable to use the flow study to engage the public. We need to request that FERC require them to give us ample notice for this important event.

Advantages: Raise public Awareness around the licensing process, economic and recreational potential of the Little Androscoggin River.

Disadvantages: None

City Budgetary Impacts: None at this point. May help fund community goals and support economic revitalization of the area in some ways over time.

Staff Recommended Action: Authorize the Mayor to send the attached letter on the City's behalf with Council vote to support.

Council Economic and Community Development Committee Recommended Action: Authorize the Mayor to send a letter on the City's behalf with Council vote to support.

Previous Meetings and History: Discussed prior to Pre Application Document Comments in 2014 and Study Plans at the May 4, 2015 CC Mtg

Attachments: Draft Letter and Email from Consultant for KEI.

DRAFT to be printed on letterhead when final

May, 3, 2016

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street, NE
Washington D.C. 20426

RE: Study Request, Lower Barker Hydroelectric (FERC No. 2808), KEI (Maine) Power Management (III)

Dear Secretary Bose:

On January 31, 2014, KEI (Maine) Power Management (III) LLC [KEI (Maine)] filed the Pre-Application Document (PAD) for the Lower Barker Hydroelectric Project (FERC No. 2808) with the Commission. On March 19, 2014 the Commission granted the use of the Traditional Licensing Process (TLP) for the Lower Barker Project. The City of Auburn, Maine filed comments on the formal study request based on the PAD and 5/19/14 consultation meeting regarding this license application and requested that the applicant complete a recreational study including the development of additional recreational access, identification of niche recreational opportunities that could support growing economic opportunity for the neighborhood and white water potential consistent with the American Whitewater request for this study. The Form -80 recreational survey was inadequate to consider the needs of the community and demand for additional facilities and as such we requested that KEI not be allowed to use that process for recreational information related to the new license application. As noted in the comments also submitted by the City of Auburn recreational access to the Little Androscoggin River is a high community priority. We have since held a number of public discussions regarding recreational potential of the Little Androscoggin River within the project boundaries and engaged the public and students enrolled in the Bates College Community Engaged Research Capstone Course to outline recreational opportunities. Attached to this letter is a copy of the students work on this subject that we would like incorporated into the record for the KEI request. Most recently, at a public meeting on April 21, 2016, the City Council Committee on Community and Economic Development instructed staff to prepare this letter for full City Council consideration and to inform FERC of the concerns.

Throughout the process we have communicated the importance of public awareness and the need for ample notice from KEI for when the recreational flow studies will be conducted so the City can organize a "River Day" around the controlled releases. The purpose of the River Day is to bring increased awareness of the licensing process, the river and economic opportunities associated with river recreation to people from inside and outside the community. This is an important strategy in attracting new residents and visitors to our community and increasing the quality of life and economic opportunity for existing residents and small businesses in the vicinity of the project. KEI's consultant, Kleinschmidt Group (KG), has been our point of contact for the licensing process. Over the winter we were unable to get an updated schedule from KG to promote the River Day Event. This was in part due to the project manager leaving employment with KG and it took some time to determine who would be the new manager and point of contact for the project. In Early February we learned that there was a new project

DRAFT to be printed on letterhead when final

manager assigned and we made repeated attempts to obtain a study schedule for the recreational flow studies without success. Recently, on Friday April 15, 2016 we were notified that KG is now in the process of scheduling the flow studies and were tentatively targeting May 11-13 but they are coordinating with other agencies for fisheries flow studies to be conducted during the same time period so the dates may change over the week following April 15th 2016. As of May 2nd we have not received confirmation of the schedule for recreational flow studies and will be unable to adequately prepare for a meaningful public event around recreational flows in the Little Androscoggin River with such short notice.

In addition to the recreational issues we wish to inform the FERC that KEI continues to allow their penstock to leak within the public right-of-way along Mill Street in Auburn. The leaking penstock has caused damage to the public road and concerns regarding public water and sewer infrastructure in the project area. During the winter months it causes icing issues in the public road and the Auburn Housing Authority senior housing project at Barker Arms Apartments. The leak has also delayed the construction of a sidewalk/trail project, funded locally and by the State Recreational Trails Program, to connect our New Auburn Village Center to the Barker Mill Recreational Trail.

The City is spending substantial local, State and Federal resources in and adjacent to the project area to improve the quality of life for our residents and create economic opportunity for the predominantly low income neighborhoods. During the current budget process the Council will consider programming in excess of \$500,000 to match over \$1,500,000 in potential State and Federal funding to revitalize the adjacent New Auburn Village Center. The cooperation of KEI is an essential component of our economic and recreational strategies and we recognize that it may be to the advantage of KEI to minimize notice and public involvement in the licensing process as this may reduce the perceived recreational demand in the project area. We respectfully request that FERC take a close look at the Form 80 documents provided last year as many of the forms appear to be hastily and repeatedly filled out, there are duplicates for some days displaying different recreational information and weather information that is inconsistent with weather records for the days recorded. Most importantly, we request that FERC require KEI to schedule the recreational flow studies in coordination with the City of Auburn and allow at least 60 days lead time for the promotion of a River Day event during the flow study. While we had hoped for a spring event, the lack of notice will preclude that and we recognize that the 60 day notice may require us to target a fall flow study when river flows typically increase after the dry summer season.

Thank you in advance for your consideration of our requests. Recreational opportunities in our community are a top priority as indicated in our previous submittals related to the relicensing request for the Lower Barker Hydroelectric Project (FERC No. 2808) and our Comprehensive Plan.

Jonathan LaBonte
Mayor of Auburn, on behalf of the Auburn City Council

Good afternoon Eric –

We are in the process of scheduling flow related field studies (habitat and recreation), depending on inflow to the dam we are targeting doing both at the same time. Tentatively we are planning for May 11-13 timeframe because that is open for at least one of the two fish and wildlife agency representative that want to be there. We have not yet confirmed with the other that wants to participate so that may change over the course of the next week.

The project is operated in a run-of-river mode and any flow releases have to be provided to the bypass reach by throttling or shutting off the unit, and the headpond generally cannot be drawn down except for emergency or maintenance. Therefore it may be difficult to time it on those dates, but we will be monitoring upstream gage data to help predict river flow. There may be plenty of water and it isn't an issue. So if you or others you know plan to be there for the recreational perspective, please understand that the date may have to shift on short notice.

If you have contact information for individuals that should be kept informed, please provide that.

Thank you,
Andy

Andrew D. Qua
Regulatory Team Leader
Kleinschmidt
Office: 207.416.1246
www.KleinschmidtGroup.com

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 04-05022016

RESOLVED, that the City Council hereby authorize the Mayor to send a letter on behalf of the City Council to FERC requesting that KEI provide at least 60 days notice to the City for recreational flow studies related to the relicensing of the Barker Mill Dam.



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: May 2, 2016

Subject: Executive Session

Information: Discussion regarding a real estate/economic development matter, 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.