



**City Council Workshop & Meeting
Agenda
August 21, 2023
Auburn Hall, Council Chambers**

5:30 P.M. City Council Workshop

- A. Agriculture and Resource Protection Ordinance Update – Eric Cousens
- B. Dwelling Size Zoning Change – Eric Cousens
- C. T-4.2B Zoning Amendments – Eric Cousens
- D. Executive Session – Economic development, pursuant to 1 M.R.S.A. Sec. 405(6)(C) in which premature disclosure would prejudice the competitive or bargaining position of the City.

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

Pledge of Allegiance

- I. **Consent Items** – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.
- II. **Minutes**
 - August 7, 2023, Regular City Council Meeting
- III. **Communications, Presentations and Recognitions**
 - Communication - Recycling update (City Manager Crowell)
 - Council Communications (about and to the community)
- IV. **Open Session** – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*
- V. **Unfinished Business** - None
- VI. **New Business**
 1. **Order 110-08212023**
Directing the City Manager to report back to Council relating to cost, funding source, and location of a proposed Aquatic Center/Feasibility Study.
 2. **Order 111-08212023**
Allocating \$50,000 out of the American Rescue Plan Act (ARPA) funds for Safe Voices.
 3. **Order 112-08212023**

Allocating \$20,000 from the American Rescue Plan Act (ARPA) funds to the Boys & Girls Club of Southern Maine – Auburn Clubhouse with \$10,000 to be the “Presenting Sponsor” for the “Fall for the Kids” fundraising event and an additional \$10,000 for additional Auburn Programming.

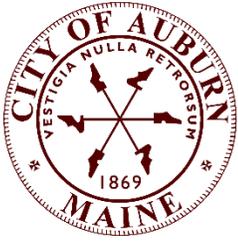
VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports (from sub-committees to Council)

- a. Mayor’s Report
- b. City Councilors’ Reports
- c. City Manager Report

IX. Executive Sessions – Personnel matter (City Manager evaluation) pursuant to 1 M.R.S.A. Sec. 405(6)(A).

X. Adjournment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: August 21, 2023

Author: Eric J. Cousens Director of Planning and Permitting

Subject: Planning Board Recommended Agriculture and Resource Protection (AGRP) Ordinance Changes

Information: On June 6, 2023, the Planning Board recommended approval of AGRP Ordinance Text amendments referred to as "Proposal B" with 10 additional amendments. The amendments included in Proposal B were adopted by the City Council without the 10 additional amendments from the Planning Board (First Document in CC Packet titled Planning Board recommendation to City Council on AGRP Zone Proposals A and B dated 6/6/2023). The Planning Board has since held Public Hearings on the 10 additional amendments, numbered 1-10 based the order in the 6/6/2023 recommendation, and provided updated recommendations. For the Hearing process the amendments were divided into 3 decisions so they could be acted on independently based on the merits of each set of changes. The Changes were labeled "B-1 Clarification Amendments 1-8," B-2 5-Year Tax Program Proposal, and B-3 Taylor Pond Watershed Amendment.

B-1: The Planning Board made a favorable recommendation on B-1 Clarification Amendments 1-8, with a recommendation to exclude change number 7: Section 60-146(3) to read a maximum depth of 30% or 400 feet, whichever is less, from the adoption of these changes.

B-2: The Planning Board voted to recommend that the City Council should **not** approve the amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing in the AGRP zone when also located in the Taylor Pond watershed.

B-3: The Planning Board voted to recommend that the City Council should **not** approve the amendment prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years based on the findings that the change disparately affects landowners and disadvantages landowners who are already choosing to use land in the way it was intended to be used in the zone.

City Budgetary Impacts: None.

Staff Recommended Action: Discuss and provide any feedback prior to Public Hearing at the 9/5/2023 CC meeting.

Previous Meetings and History: Last CC meeting was 7/10/2023.

City Manager Comments: I concur with the recommendation. Signature:

Attachments: Ordinance Text Change, Staff Report, Request from CDBG, Income and Housing Cost Analysis



City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
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To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on AGRP Zone Proposals A and B.

Date: 06/06/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on June 6, 2023, the Planning Board forwards this report to the City Council.

Proposal: City Council directed the Planning Board to make a recommendation on whether to eliminate the income standard in all areas outside the Lake Auburn watershed overlay district as an ordinance text amendment within Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. (It also affects Chapter 60, Article I-In General (Definitions)). This public hearing will consider two proposed sets of text amendments: “Proposal A”, the same proposal considered at the public hearing on May 9, 2023; and “Proposal B”, as the Planning Board directed staff to prepare at its May 9, 2023, meeting. The proposed text changes are available at <https://www.auburnmaine.gov/pages/government/planning-board-agendas> and in the Planning Department in City Hall. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance, and Division 3-Public Hearing.

MOTION: Tim DeRoche makes a motion; Toni seconds.

“I make a motion to recommend amending Sec. 60-1 of Article I, In General, as shown in Proposal “B”, Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations, Division 2, Agricultural and Resource Protection District as shown in Proposal “B”, and amend Sec. 60-952 of Article XII- Environmental Regulations, Divisions 4, Lake Auburn Watershed Overlay District, also as shown in “Proposal B.”

The following motions are amendments to the main motion, above.

Motions 1-7 are directly from Evan Cyr’s proposed amendments to Proposal “B”, submitted 6/6/2023.

Motions 8-9 are from AGRP Zone Group public comment from Steve Beale dated 6/5/2023.

1. MOTION: Riley Bergeron; Second: David Trask

Riley Bergeron suggests an amendment for “Sec. 60- 145 (a)(1)(a) to include the language 20% of 2 acres, which ever is less” in reference to lot size. Dave Trask seconds. **VOTE:** Amendment passes 7-0-0

2. MOTION: Riley Bergeron; Second: David Trask

Riley Bergeron offers another amendment that 60-145(a)(1)(b)(ii) should be amended to consider all permitted agricultural uses rather than just farming. Dave Trask Seconds. **VOTE:** Amendment passes 7-0-0

3. MOTION: Riley Bergeron; Second: Toni Ferraro

Riley Bergeron would also like to include an amendment for Section 60-145(a)(1)(b)(vii) to read not be sited in any portion of a parcel that has been classified as being: “a. Enrolled in the State of Maine Farmland Tax Program in the last five years, or” **VOTE:** Amendment passes 6-1-0

4. MOTION: Riley Bergeron; Second: Tim DeRoche

Riley Bergeron offers another amendment for section 60-145(a)(1)(c) which only references Section 60-145(a)(1)(a) but there are also requirements for a residence later in that section. This could be accomplished by reading, “No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirements set forth in Section 60-145(a)(1)(a) and Section 60-145(a)(1)(b)(ii) have been presented” **VOTE:** Amendment passes 7-0-0.

5. MOTION: Riley Bergeron; Second: Toni Ferraro

Riley Bergeron also offers an amendment to Sec. 60-145 (a)(1)(d) for it to read: “which the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a) or the residence fails to remain accessory to an approved plan in accordance with Section 60-145(a)(1)(b)(ii). **VOTE:** Amendment passes 6-1-0

6. MOTION: Riley Bergeron; Second: Tim DeRoche

Riley Bergeron offers another amendment for Section 60-146(1) to read, “and measuring less than 250 feet in width at the street frontage along a publicly accepted street,” **VOTE:** Amendment passes 4-3-0

7. MOTION: Riley Bergeron; Second: Toni Ferraro

Riley Bergeron offers an amendment on Section 60-146(3) to read a maximum depth of 30% or 400 feet, whichever is less.

Riley Bergeron clarifies that his amendment refers to where the house should be set on the lot, the same text provided as public comment. David Trask also seconds after this clarification. **VOTE:** Amendment passes 7-0-0

8. MOTION: Tim DeRoche; Second: Riley Bergeron

Tim DeRoche proposes an amendment found in Mr. Beale’s public comment in Section 145(a)(3) that ‘firewood processing and Christmas tree cultivation’ should follow the words maple sugaring.” **VOTE:** Amendment passes 7-0-0

9. MOTION: David Trask; Second: Toni Ferraro

David Trask offers an amendment that in Section 145(b)(8)(a) the words except for approved conservation cemeteries which shall be at least 10 acres in size” should be added. **VOTE:** Amendment passes 7-0-0

10. MOTION: David Trask; Second: Toni Ferraro

David Trask would like to amend where referenced the Lake Auburn watershed to include the Taylor Pond watershed as well. **VOTE:** Amendment passes 7-0-0

MOTION: Tim DeRoche; Second: David Trask

“I make a motion to approve the B option with said amendments (1-10)” **VOTE:** Motion passes 7-0-0.



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

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To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B-1 with Planning Board Clarification Amendments #1-8

Date: August 8, 2023

I. Proposal: Public Hearing/ AGRP Text Amendment (Proposal B1) Planning Board Proposed Changes Numbers One Through Eight: Consider zoning text amendments one through eight to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.

II. Background: On June 6, 2023, the Planning Board voted to recommend approving “Proposal B” with amendments replacing the income standard. On July 10, City Council voted to approve proposal B without the amendments offered in the Planning Board recommendation to City Council on AGRP Zone Proposals A and B (included in this packet) and issued an Order that Planning Board hold a public hearing on the proposed amendments that they delivered as part of their recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes.

The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B-1 with Planning Board Clarification Amendments #1-8 are complimentary to the existing language and function of adopted Proposal B, and do not seem to impose significant change from the previously approved Proposal B. Proposal B-1 with Planning Board Clarification Amendments #1-8 is summarized below and references each motion from 6/6/2023 prompting the text change (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).

III. Proposal B-1 with Planning Board Clarification Amendments #1-8

1. Add “or two acres, whichever is less” after the word coverage in Sec. 60-145(a)(1)(a). (Motion 1)

Amendment 1 is intended to concentrate the residential development to a smaller percent of each lot and avoid disrupting more land than is needed.

2. Add “agriculture.” in Sec. 60-145(a)(1)(b)(ii) (a, b, and c), after the words, farm, farming, and farm. (Motion 2*)

Amendment 2 broadens the uses that would allow for a residential unit to include agriculture uses in addition to farming, natural resource, or recreation.

3. Add “**and Sec. 60-145(a)(1)(b)(ii)**” in Sec. 60-145(a)(1)(c) after the reference to “Sec. 60-145(a)(1)(a)”. (Motion 4)
Amendment 3 adds the requirement that a bona fide farm plan be presented to staff who will determine whether the proposal meets the ordinance before a certificate of occupancy is granted for a dwelling. In addition to the criteria that residential structures are limited to a footprint of 20% of the lot area or 2 acres, whichever is less.
4. Add “**and Sec. 60-145(a)(1)(b)(ii)**” in Sec. 60-145 (a)(1)(d) after the reference to “Sec. 60-145(a)(1)(a)”. (Motion 5*)
Amendment 4 adds specification that in order for a dwelling to continue existing, it must continually meet the requirements of a bona fide farm, in addition to keeping the residential footprint to 20% of the lot area or 2 acres, whichever is less.
5. Add “**along a publicly accepted street**” to 60-146(1) after the word “frontage” (Motion 6).
Amendment 5 specifies that private ways may not be used as road frontage. This is intended to reduce the possibility of creating new roads for the purposes of developing housing, and generally limits the area able to be developed in the AGRP zone.
6. Add “**or 400 feet, whichever is less**” to Sec. 60-146(3)(c) after the word “lot”.
Amendment 6 limits the maximum development depth on particularly large lots, thereby reducing land fragmentation and disturbing less earth for the construction.
7. Add “**firewood processing, Christmas tree cultivation**” to Sec. 145(a)(3) after the word “sugaring”.
Amendment 7 is meant to recognize other common natural resources and timber harvesting practices besides agriculture and forestry. It expands the uses for which a home can be accessory.
8. The updated proposal draft includes Sec. 60-145(b)(8)(c), recognizing that 10 acres is the minimum size for conservation cemeteries. This was previously adopted by the council so it is not shown as a change in this proposed text amendment.
Number 8 recognizes that the motion was made to include 10-acre conservation cemeteries in the AGRP ordinance, by showing the adopted AGRP text that includes this as condition C.

IV. Staff Recommendation: Staff recommend the Planning Board recommend approval of all amendments in proposal B1, with the finding that they are in alignment with or strengthen the existing language and are true to the intent of the AGRP zone based on the Comprehensive Plan and existing Zoning.

V. Suggested Motion: I make a motion to recommend approval of the text amendments one through eight to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the passage of Ordinance #10-062023 on July 10, 2023. The proposed text change is attached.

Proposal B-1 with PI Bd Clarification Amendments #1-8

Prepared for August 8, 2023 Planning Board Meeting

Draft 7/20/2023

Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

• • •

*DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION
DISTRICT*

Sec. 60-144. Purpose.

• • •

Sec. 60-145. Use regulations.

- (a) *Permitted uses.* The following uses are permitted:
- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:
 - a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage or two acres, whichever is less of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:
 - (i) Residential structures; and
 - (ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and
 - (iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and
 - (iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and
 - (v) Structures accessory to the residential use; and
 - (vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

- b. New one-family detached dwellings shall:
- (i) Not be built within the Lake Auburn Watershed Overlay District; and
 - (ii) Provide a farm, agricultural, recreational or natural resource use business or land use plan that has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:
 - a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, agricultural, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.
 - b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, agricultural, recreational or natural resource use.
 - c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter; and
 - (iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
 - (iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
 - (v) Avoid being sited on wetlands; and
 - (vi) Avoid being sited on slopes greater than 25%; and
 - (vii) Not be sited on any portion of a parcel that is classified as being:
 - a. Currently enrolled in the State of Maine Farmland Tax Program; or
 - b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or
 - c. Currently enrolled in the State of Maine Open Space Tax Program.
- c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) and Sec. 60-145(a)(1)(b)(ii) has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.
- d. In no case shall any residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a) and Sec. 60-145(a)(1)(b)(ii).
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
 - (3) Forest products raised for harvest, including, but not limited to, maple sugaring, firewood processing, Christmas tree cultivation, or mushroom cultivation.
 - (4) Field crop farms.
 - (5) Row crop farms.
 - (6) Orchard farms.
 - (7) Truck gardens.
 - (8) Plant and tree nurseries.

- (9) Greenhouses.
 - (10) Handling, storage or processing and sale of forestry products or agricultural products.
 - (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
 - (12) Wayside stands.
 - (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
 - (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
 - (15) Marijuana manufacturing accessory to a licensed cultivation site.
 - (16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in Sec. 60-1501.
 - (17) Natural resource uses.
 - (18) Small-scale recreational uses of land designed or intended for public use.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
 - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
 - a. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
 - b. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
 - (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
 - (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
 - (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
 - (5) Non-small scale recreational uses of land intended or designed for public use subject to the following conditions:
 - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
 - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
 - (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
 - a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
 - b. In cases where no minimum setback is established by division 5 of article XII of this chapter

an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.

- (7) Rifle, pistol, skeet or trap shooting ranges, public or private.
- (8) Cemeteries, subject to the following conditions:
 - a. At least 20 acres in area
 - b. Not located in any environmental overlay district or over any known aquifer.
 - c. At least 10 acres if designated a conservation cemetery.
- (9) Municipal sanitary landfills, subject to the following conditions:
 - a. Not located in any environmental overlay district or over any known aquifer.
 - b. Provisions shall be made to avoid surface water and groundwater pollution.
 - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
- (10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
 - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- (11) Wholesale nurseries, subject to the following conditions:
 - a. 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.
 - b. 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.
- (12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
 - a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
 - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
 - c. An end-use plan must be filed as part of the planning board process.
- (13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
 - a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.
 - b. The proposed use shall not occupy more than 10,000 square feet of building area.
 - c. The number of employees shall be limited to not more than 15.
 - d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
 - e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
 - a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
 - b. Provisions shall be made to avoid surface and groundwater pollution.
 - c. Provisions shall be made to counteract vermin, insects and odors.
 - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
 - e. Shall not be located within the Lake Auburn Watershed Overlay District.

department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.
- g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:
 1. Non-prime farmland is not reasonably available on the subject property.
- h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:
 1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;
 2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;
 3. To the extent possible, infrastructure shall not be located on steep slopes; and
 4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.
- i. All operations and maintenance plans shall also include:
 1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
 2. A plan that provides habitat for native plants and animals and native pollinators.

Sec. 60-146. Dimensional regulations.

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

- (1) *Minimum lot area, width and depth.* No lot shall be created after October 1, 2017 containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage along a publicly accepted street, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.
 - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
 - b. On legally existing nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in Sec. 60-2.
 - c. A dwelling may be constructed on lots lawfully existing as of October 1, 2017 and containing less than ten acres, only if approved pursuant to Sec. 60-145(a)(1).
- (2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1)(c) above.
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.

- (16) Adaptive reuse of structures of community significance.
- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
 - a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
 - b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
 - c. The recreational or agricultural use is located on the parcel for which the special exception is
- (18) [RESERVED]
- (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in Sec. 60-1501, subject to the following conditions:
 - a. Must comply with the provisions of article XVIII under this chapter;
 - b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
 - 1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.
 - 2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.
 - 3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
 - c. Lot coverage shall not exceed 30 percent, as defined under Sec. 60-1506(a)(2).
 - d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on ~~this~~ subsection 60-145(b)(19)(d) by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.
 - e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.
 - f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:
 - 1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
 - 2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.
 - 3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state

- b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30% of the average depth of the lot or 400 feet, whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B2 with Planning Board Proposed Tax Program 5YR Amendment.

Date: August 8, 2023

- I. Proposal: Public Hearing/ AGRP Text Amendment (Proposal B2) Planning Board Proposed Change Number Ten:** Consider zoning text amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use tax programs within the last five years. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and were followed by City Council's passage of Ordinance #10-062023 on July 10, 2023. The proposed text is available in this packet.
- II. Background:** On June 6, 2023, the Planning Board voted to recommend approving "Proposal B" with amendments replacing the income standard. On July 10, City Council voted to approve Proposal B without the amendments offered in the Planning Board recommendation (included in this packet) and issued an Order that Planning Board hold an additional public hearing on the proposed amendments that they delivered as part of their recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes. The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B2 with the Planning Board recommended Tax Program 5YR Amendment has been proposed as separate text and hearing because it is a substantive amendment. The Amendment is summarized below and references the motion from the 6/6/2023 Planning Board Recommendation prompting the text change (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).
- III. Proposal B2 - Planning Board recommended Tax Program 5YR Amendment.**
 1. Remove "~~Currently~~" before "enrolled", capitalize the "E" in "enrolled" and add "within the last five years" after the word "Program" in Sec. 60-145(b)(vii)(a, b, c). *This is referred to as proposed change number 10, because it was the 10th amendment recommended by the Board in the 6/6/23 recommendations.*
- IV. Staff Recommendation:** This proposal was initiated to prevent Auburn landowners who have been utilizing the State of Maine Farmland Tax Program, the State of Maine Tree Growth Tax Program, and the State of Maine Open Space tax Program from removing land from this protection in order to build housing. We do not recommend this amendment because a result of this change may mean that someone who has been using the AGRP district as prescribed and intended could be penalized for deciding to build on this land. This

also has the potential to create a disadvantage to existing farmers and rural landowners who have used the land as the AGRP zone intended, in comparison to new landowners or those that have not used the land for agriculture, forestry or public recreation. Under this amendment, someone who has held land in any of the tax programs may not build on their land for five years, even if they meet the other requirements of the AGRP zoning district. In the absence of a five-year moratorium, landowners still need to provide a bona fide plan for farming, agricultural, recreational, or natural resource use before any residential development could occur.

- V. **Suggested Motion:** I make a motion to not recommend the amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. The text amendments were proposed at the June 9, 2023, Planning Board meeting, and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached.

Proposal B-2 with PI Bd Tax Program 5 YR Amendment

Prepared for August 8, 2023 Planning Board Meeting

Draft 7/20/2023

Amend Sec. 60-145 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

• • •

*DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION
DISTRICT*

Sec. 60-144. Purpose.

• • •

Sec. 60-145. Use regulations.

- (a) *Permitted uses.* The following uses are permitted:
- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:
 - a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:
 - (i) Residential structures; and
 - (ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and
 - (iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and
 - (iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and
 - (v) Structures accessory to the residential use; and
 - (vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.
 - b. New one-family detached dwellings shall:
 - (i) Not be built within the Lake Auburn Watershed Overlay District; and
 - (ii) Provide a farm, recreational or natural resource use business or land use plan that

has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:

- a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.
 - b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, recreational or natural resource use.
 - c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter; and
- (iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
 - (iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
 - (v) Avoid being sited on wetlands; and
 - (vi) Avoid being sited on slopes greater than 25%; and
 - (vii) Not be sited on any portion of a parcel that is classified as being:
 - a. ~~Currently e~~~~Currently e~~Enrolled in the State of Maine Farmland Tax Program within the last five years; or
 - b. ~~Currently e~~~~Currently e~~Enrolled in the State of Maine Tree Growth Tax Law Program within the last five years; or
 - c. ~~Currently e~~~~Currently e~~Enrolled in the State of Maine Open Space Tax Program within the last five years.
- c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.
 - d. In no case shall any residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B3 to the AGRP Zoning Use standards - Planning Board Recommended Amendment to prohibit residences in the AGRP portions of the Taylor Pond Watershed

Date: August 8, 2023

- I. **Proposal: Public Hearing/ AGRP Text Amendment (Proposal B3) Planning Board Proposed Change Number Nine:** Consider a zoning text amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing and agriculture operations in the AGRP zone if they are also located in the Taylor Pond watershed. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and followed by the City Council passage of Ordinance #10-062023 on July 10, 2023. The proposed text has been and is available in the Planning & Permitting Department in City Hall.
- II. **Background:** On June 6, 2023, the Planning Board voted to recommend approving “Proposal B” with amendments replacing the income standard. On July 10, City Council voted to approve Proposal B without the amendments offered in the Planning Board and issued an Order that Planning Board hold an additional public hearing on the proposed amendments that they delivered as part of their prior recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes.

The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B3 is the Planning Board recommended Taylor Pond Watershed Amendment and has been proposed as separate text and hearing from the others because it is a substantive amendment. The proposed amendment is summarized below (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).

- III. **Proposal B3 with Planning Board Taylor Pond Watershed Amendment.**
 1. Add “[or the Taylor Pond watershed as defined on the Taylor Pond Watershed Map:](#)” in Sec.60-145)(b)(i) after the word “District”
This is referred to as proposed change number nine, because it was the 9th amendment recommended by the Planning Board on June 9, 2023.
- IV. **Staff Recommendation:** We do not recommend this amendment because it restricts a large land area that would have much less impact on the Pond than the existing small lot development around the Pond, the existing protections(Phosphorus Control) are adequate in the ordinance, and it could disadvantage existing farms, recreational or natural resource

based uses in the Taylor Pond Watershed. The amendment proposes prohibiting new homes in the Taylor Pond watershed which are also in the AGRP zone, which would include approximately 2,035 acres of land. Most existing structures in the Taylor Pond watershed are made up of small camps or homes that have historically caused land use issues and have threatened the health of the pond. Chapter 60, Article XII, Division 3- Taylor Pond Overlay district which extends 250 feet from the high-water mark of Taylor Pond was created to mitigate the impacts of this existing development over time. There are additional environmental protections that apply to the approximately 3,880 acres that make up the Taylor Pond Watershed. Specifically, Article XIII, Division 2- Phosphorous Control requires that any person proposing new construction over 200 square feet in size, tree cutting or earth moving over 10,000 square feet, or driveway or road construction affecting over 1,500 square feet of land needs to submit a phosphorous control plan for staff to review before any construction can begin. Erosion and Sedimentation control standards also prevent runoff from new development into Taylor Pond. Most land that is in the AGRP zone in the Taylor Pond Watershed is northwest of the lake, and at least 250ft. away from the high-water mark. There are existing farms operating in alignment with the standards of the AGRP zone in this area, and this amendment would prohibit building a home accessory to any farm, agricultural, natural resource, or recreational use. If this amendment does not pass, as we are recommending, any new home would still be required to meet all requirements of the AGRP zone and the Taylor Pond Watershed standards.

- V. **Suggested Motion:** I make a motion to recommend that the City Council should **not** approve the amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing in the AGRP zone when also located in the Taylor Pond watershed. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the City Council's passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached.

Proposal B-3 with PI Bd Taylor Pond Watershed Amendment

Prepared for August 8, 2023 Planning Board Meeting

Draft 7/20/2023

Amend Sec. 60-145 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

• • •

*DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION
DISTRICT*

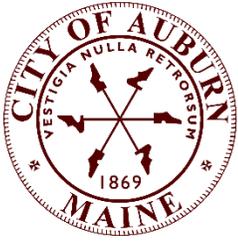
Sec. 60-144. Purpose.

• • •

Sec. 60-145. Use regulations.

- (a) *Permitted uses.* The following uses are permitted:
- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:
 - a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:
 - (i) Residential structures; and
 - (ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and
 - (iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and
 - (iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and
 - (v) Structures accessory to the residential use; and
 - (vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.
 - b. New one-family detached dwellings shall:

- (i) Not be built within the Lake Auburn Watershed Overlay District or the Taylor Pond watershed as defined on the Taylor Pond Watershed Map; and
 - (ii) Provide a farm, recreational or natural resource use business or land use plan that has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:
 - a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.
 - b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, recreational or natural resource use.
 - c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter; and
 - (iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
 - (iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
 - (v) Avoid being sited on wetlands; and
 - (vi) Avoid being sited on slopes greater than 25%; and
 - (vii) Not be sited on any portion of a parcel that is classified as being:
 - a. Currently enrolled in the State of Maine Farmland Tax Program; or
 - b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or
 - c. Currently enrolled in the State of Maine Open Space Tax Program.
- c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.
- d. In no case shall any residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: August 21, 2023

Author: Eric J. Cousens Director of Planning and Permitting

Subject: Minimum Dwelling Size Ordinance Amendment

Information: Currently, the existing ordinance definition requires a minimum of 700 SF of net floor space for single-family attached and detached dwelling. This ordinance has existed for at least 20 years. State Law (Chapter 219, Sec 1. 30-A MRSA §4363), has changed and requires an allowance for tiny homes of up to 400 square feet. However, this leaves a gap in the allowable size of new dwelling units, where units ranging from 401 to 699 SF are in what is considered a “void in allowance” and home sizes in that range are currently not allowed. Attached are some examples of homes below 700SF and an income and cost analysis that demonstrates the importance of this flexibility. This is a logical correction to the Ordinance in response to changes in State Law and to meet local housing goals.

City Budgetary Impacts: None. Potentially new Homes.

Staff Recommended Action: Discuss and provide any feedback prior to Planning Board Public Hearing.

Previous Meetings and History: None

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: Ordinance Text Change, Staff Report, Request from CDBG, Income and Housing Cost Analysis

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:

Dwelling 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 attached, means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. ~~Each one-family attached dwelling shall contain not less than 700 square feet of net floor area of habitable space.~~

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 attached 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.

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.



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board

From: John Blais, Deputy Director

Re: Workshop on minimum dwelling size pursuant to Chapter 60, Article XVII, Division 2-Sec.60-2 Definitions

Date: August 10th, 2022

- I. **PROPOSAL:** Currently, the existing ordinance definition requires a minimum of 700 SF of net floor space for single-family attached and detached dwelling. State Law (Chapter 219, Sec 1. 30-A MRSA §4363), provides provisions for tiny homes of up to 400 square feet. However, this leaves a gap in the allowable size of new dwelling units, where units ranging from 401 to 699 SF are in what is considered a “void in allowance” and is currently not allowed. Below are some examples of homes below 700SF.

		
Plan: #153-2041 	Plan: #126-1936 	Plan: #126-1855 
691 Sq Ft. From \$700.00	686 Sq Ft. From \$1050.00	700 Sq Ft. From \$1050.00
2 Bedrooms 1 Floor	2 Bedrooms 1 Floor	2 Bedrooms 1 Floor
1 Bathrooms 0 Garage Bays	1 Bathrooms 0 Garage Bays	1 Bathrooms 0 Garage Bays
		
Plan: #205-1003 	Plan: #193-1215 	Plan: #120-2254 
681 Sq Ft. From \$1225.00	696 Sq Ft. From \$700.00	682 Sq Ft. From \$585.00
2 Bedrooms 1 Floor	2 Bedrooms 1 Floor	2 Bedrooms 1 Floor
2 Bathrooms 0 Garage Bays	1 Bathrooms 0 Garage Bays	1 Bathrooms 0 Garage Bays

- II. **PLANNING BOARD ACTION/STAFF SUGGESTIONS:** Staff suggests a planning board discuss the proposals and direct staff to prepare to hold a Public Hearing on September 12th, 2023. Staff then recommends that the Board forward a positive recommendation to the Council supporting the proposed changes to drop the 700 SF requirement for minimum dwelling size for the following reasons:

1. Auburn has a minimum home size of 700sf. State Law mandates allowing smaller “tiny homes” of less than 400sf. This creates a gap where a homeowner with a 400 sf home cannot add on unless they exceed 700sf total floor area: this is illogical.
2. In January, LD2003 as a mended will require this change. This will make Auburn compliant with this element of the new State Law and allow flexibility in constructing new smaller homes.



City of Auburn, Maine
Business & Community Development
Glen Holmes, Director
60 Court Street | Auburn, Maine 04210
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May 16, 2023

Re: Proposed Amendment to Auburn Land Use Code Section 60-2 to allow for increased options for affordable housing development.

For consideration by the City of Auburn, Maine Planning Board:

I am writing to discuss current Land Use ordinances as they pertain to the development of affordable housing options in Auburn, specifically addressing the prevailing needs of low- to moderate-income residents. Our team at the Business & Community Development Department has been working closely with the Maine State Housing Authority (MSHA) and the U.S. Department of Housing & Urban Development (HUD) to create programs which support the construction of new, affordable housing which better align with prevailing community needs.

In recent years, we have observed rising construction costs and a decrease in the size of families seeking housing assistance. This has led us to recognize that the current minimum requirement of 700 square feet of net floor area for habitable space is overly restrictive for renters, developers, and homeowners interested in building environmentally friendly, efficient, and affordable homes or additional accessory dwelling units on their properties.

We have received confirmation of the unmet housing needs from various reliable sources, including the city's General Assistance, Public Health, and Housing Resource Coordinator. For example, year-to-date data provided by the Auburn General Assistance office demonstrates that 225 of the 305 cases approved this year were families requiring aid in paying for rent. This line item is already 268% higher than the previous year, with two more months left. Similarly, 91 cases were approved for utility assistance (primarily electricity) which constitutes an 827% increase from the previous year's totals. To compensate for this, many housing service providers across the state have resorted to renting out individual rooms within existing units, either informally or by offering bifurcated lease options.

Furthermore, housing developments constructed with HUD and/or MSHA funds impose limits on the maximum allowable rent that developers and property owners can charge. While this ensures affordability for low- to moderate-income residents, it presents challenges for developers to generate sufficient cash flow to sustain these projects at below-market rates without substantial low-income tax credits, TIF-funded credit enhancements, or federal subsidies. Current Fair Market Rent (FMR) caps for a 1-bedroom unit in the Lewiston-Auburn Metro Statistical area is \$834 per month including all tenant paid utilities.

Recent affordable housing projects in neighboring communities are currently seeing construction costs of more than \$350 per square foot. For a 600sqft 1-bedroom unit with rents capped at allowable FMR limits it would take over 20 years to break even on construction, before even

considering operational and maintenance expenses. Still, when these budgetary obstacles are overcome, local opposition to project placement often hinders the realization of even the most well-intentioned endeavors.

To address these issues and create a decentralized affordable housing development program, the Auburn Business and Community Development Department has formed a partnership with MSHA and HUD. Our goal is to promote the construction of modest-sized accessory dwelling units that are not only cost-effective but are also owned by local developers or situated on owner-occupied Auburn properties.

Currently, the existing ordinances stipulate a minimum of 700 square feet of net floor space for single-family attached or detached dwellings. State laws provide provisions for tiny homes of up to 400 square feet. However, this leaves a considerable gap in the allowable size of new dwelling units, where units ranging from 401 to 699 square feet are inherently incongruous with the current zoning standards.

Thankfully, the proposed changes that accompany this letter are both straightforward and impactful. By implementing these changes, we can facilitate the construction and occupation of a significant number of new, modest, and economical housing units for low- to moderate-income Auburn residents. Moreover, this approach to developing scatter-site affordable housing aligns with Auburn's strategic plan, which aims to create housing opportunities that integrate seamlessly with existing neighborhood conditions. It also adheres to HUD's guidance, which discourages the concentration of affordable housing projects in low-income areas and the creation of new enclaves of low-income residents.

By embracing these proposed changes, Auburn demonstrates its commitment to accommodating both existing and prospective residents, particularly by providing new affordable housing options which cater to workforce and retirement needs. These optimized housing solutions, tailored to current demands, serve as a testament to the progress made by the planning board in modernizing Auburn's zoning standards.

We firmly believe that by supporting this request, Auburn will not only align with new industry standards but also remain competitive in attracting residents and fostering a harmonious neighborhood environment. Our proposal is in complete harmony with our comprehensive plan and addresses the pressing needs of Auburn's residents.

Thank you for considering this proposal. We look forward to discussing this further and working together to make Auburn an even better place to live for all its residents.

All the best.



Zak W. Maher

Deputy Director of Business & Community Development

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:

Dwelling 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 attached, means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. ~~Each one-family attached dwelling shall contain not less than 700 square feet of net floor area of habitable space.~~

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.

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.

Housing Analysis for New Home Buyer City of Auburn (2022)

Median Income	\$ 51,681.00				
Average Income	\$ 70,210.00				
Average Cost of Existing Homes for Sale					
35 University Street	\$ 239,000.00	3 Bed, 1 bath, 1 half bath, 2 car garage, small lot			
780 Garfield Road	\$ 314,500.00	3 Bed, 1 bath, 1 half bath, 2 car garage, small lot			
1045 S. Main Street	\$ 249,000.00	2 Bed, 2 bath, 2 car garage, small lot			
Average Existing (entry level) Home Cost	\$ 267,500.00				
Average Cost of New Stick Build and Modular Home					
Land (1 Acre)	\$ 55,000.00	Off S. Main Street, Lane Rd.			
Modular (No Garage)	\$ 230,000.00	2 Bed, 2 bath			
Total	\$ 285,000.00	Turn-Key			
Land (1 Acre)	\$ 55,000.00	Off S. Main Street, Lane Rd.			
Stick Build (No Garage)	\$ 296,000.00	3 Bed, 1 bath, 1/2 bath			
Total	\$ 351,000.00	Turn-Key			
Average New (entry level) Home Cost	\$ 318,000.00				
Existing Home					
Existing Home Costs	\$ 267,500.00				
5% Down (FHA, VA, RD)	\$ 13,375.00				
Amount Financed	\$ 254,125.00				
Average Payment Amount (Include taxes, PMI and Insurance)	\$ 2,040.00				
Total Payments a Year	\$ 24,480.00				
Income Required (28% gross)	\$ 87,450.00	% over Median Income	140%	% over average Income	48%
New Home Cost					
New Home Costs	\$ 318,000.00	Note: The entry level pay for a firefighter starting wage is \$45,000 plus average OT is \$10,000 for a total of \$55,000, police officer with OT is \$65,000, teacher is \$42,000. None of these jobs, which are critical to			
5% Down (FHA, VA, RD)	\$ 15,900.00				
Amount Financed	\$ 302,100.00				

Average Payment Amount (Incude taxes, PMI and Insurance)	\$ 2,440.00	some of the most important city services could not afford to build or purchase a home in the City that they work in. A teacher and fireman living together still could not make the purchase work.			
Total Payments a Year	\$ 29,280.00				
Income Required (28% gross)	\$ 104,600.00	% over Median Income	204%	% over average Income	99%

Housing Analysis for New Home Buyer City of Auburn (2023)				
Median Income	\$ 51,681.00	Under 700 SF		
Average Income	\$ 79,674.00			
Average Cost of Existing Homes for Sale				
10 Old Carriage Road Unit 7	\$ 280,000.00	2 Bed, 1 bath, 1/2 half bath, 1 car garage, Condo		
36 Colonial Way Unit 36	\$ 250,000.00	2 Bed, 1 bath, 1 half bath, 1 car garage, Condo		
42 Loring Avenue	\$ 375,000.00	3 Bed, 3 bath, small lot		
Average Existing (entry level) Home Cost	\$ 301,666.67			
Average Cost of New Stick Build and Modular Home				
Land (8.7 Acre)	\$ -			
Modular (No Garage)	\$ 213,520.00	2 Bed, 1 bath		
Total	\$ 213,520.00	Turn-Key		
Land (1 Acre)	\$ -			
Stick Build (No Garage)	\$ 207,400.00	2 Bed, 1 bath		
Total	\$ 207,400.00	Turn-Key		
Average New (entry level) Home Cost	\$ 210,460.00			
New Home Cost		Note: The entry level pay for a firefighter starting wage is \$45,000 plus average OT is \$10,000 for a total of \$55,000, police officer with OT is \$65,000, teacher is \$42,000. None of these jobs, which are critical to some of the most important city services could not afford to build or purchase a home in the City that they work in. A teacher and firefighter living together now could make the purchase work.		
New Home Costs	\$ 210,460.00			
5% Down (FHA, VA, RD)	\$ 10,523.00			
Amount Financed	\$ 199,937.00			
Average Payment Amount (Incude taxes, PMI and Insurance)	\$ 1,796.00			
Total Payments a Year	\$ 21,552.00			

Income Required (28% gross)	\$ 78,000.00	% over Median Income	66%	% below average Income	2%
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Housing Analysis for New Home Buyer City of Auburn (2023)						
Median Income	\$	51,681.00				
Average Income	\$	79,674.00				
Average Cost of Existing Homes for Sale						
10 Old Carriage Road Unit 7	\$	280,000.00	2 Bed, 1 bath, 1/2 half bath, 1 car garage, Condo			
36 Colonial Way Unit 36	\$	250,000.00	2 Bed, 1 bath, 1 half bath, 1 car garage, Condo			
42 Loring Avenue	\$	375,000.00	3 Bed, 3 bath, small lot			
Average Existing (entry level) Home Cost	\$	301,666.67				
Average Cost of New Stick Build and Modular Home						
Land (8.7 Acre)	\$	125,000.00	87 Par Four Lot			
Modular (No Garage)	\$	265,000.00	2 Bed, 2 bath			
Total	\$	390,000.00	Turn-Key			
Land (1 Acre)	\$	60,000.00	Off S. Main Street, Lane Rd.			
Stick Build (No Garage)	\$	305,000.00	3 Bed, 1 bath, 1/2 bath			
Total	\$	365,000.00	Turn-Key			
Average New (entry level) Home Cost	\$	377,500.00				
Existing Home						
Existing Home Costs	\$	301,666.67				
5% Down (FHA, VA, RD)	\$	15,083.33				
Amount Financed	\$	286,583.34				
Average Payment Amount (Include taxes, PMI and Insurance)	\$	2,405.00				
Total Payments a Year	\$	28,860.00				
Income Required (28% gross)	\$	103,000.00	% over Median Income	203%	% over average Income	98%
New Home Cost						
New Home Costs	\$	377,500.00	Note: The entry level pay for a firefighter starting wage is \$45,000 plus average OT is \$10,000 for a total of \$55,000, police officer with OT is \$65,000, teacher is \$42,000. None of these jobs, which are critical to some			
5% Down (FHA, VA, RD)	\$	18,875.00				
Amount Financed	\$	358,625.00				

Average Payment Amount (Include taxes, PMI and Insurance)	\$ 3,100.00	of the most important city services could not afford to build or purchase a home in the City that they work in.			
Total Payments a Year	\$ 37,200.00	A teacher and fireman living together still could not			
Income Required (28% gross)	\$ 133,000.00	% over Median Income	204%	% over average Income	99%



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: August 21, 2023

Author: Eric J. Cousens Director of Planning and Permitting

Subject: Planning Board Recommended T4.2B Ordinance Text and Zoning Map Amendments Overview

Information: At the July 8, 2023 Planning Board Meeting the Board made recommendations on Ordinance text and Zoning Map amendments for the T4.2B Zoning District. They are summarized as follows:

ZONING TEXT AMENDMENT/ PETITION: The Planning Board considered a proposed text change to Sec. 60-548B-Front Setback, Principal for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen Petition submitted on June 12, 2013. The Planning Board recommended that this change should not be approved by the City Council. Staff and Legal Counsel proposed amended language that was reviewed as part of the next item that incorporates the intent of the petition proposed change with some modifications. The recommended modifications include replacing the word “shall” with “may”, the intended retroactivity was not included, the text was reinforced/supported with amended diagrams and there were other changes incorporated into a larger amendment. To achieve the broader changes it was handled as a separate item below.

FORM BASED CODE TEXT AMENDMENT/PLANNING BOARD INITIATED: The Planning Board consider a proposed text change for Sec. 60-548B, T-4.2B including 1.) Sec. 60-54B Intent and Purpose, 2.) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout, 3.) Sec. 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. See attached staff report and Ordinance Text for details.

FORM BASED CODE ZONING MAP AMENDMENT/COUNCIL INITIATED: Expansion of T4.2B zoning district and Conservation Open Space Districts to include additional areas as shown on the attached maps and further described in the attached staff reports. Areas include: A1: Planning Board recommends Approval; Area A2: Planning Board does not recommend approval; Area B1&B2: Tabled for consideration of an expanded area at the September Planning Board Meeting; Area C: Planning Board recommends Approval; Area D: Planning Board recommends Approval.

Staff will be available to provide an overview, take feedback and answer questions.

City Budgetary Impacts: None.

Staff Recommended Action: Discuss and provide any feedback prior to Public Hearings at the 9/5/2023 CC Meeting.

Previous Meetings and History: None for these changes.

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: Ordinance Text Change, Staff Reports, Zoning Maps, Income and Housing Cost Analysis



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

04210 www.auburnmaine.gov |

207.333.6601

To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Staff Report: Petition to amend T-4.2B zoning text
Date: August 8th, 2023

I. Public Hearing/ Zoning Text Amendment: Consider a proposed text change to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen’s Petition submitted June 12, 2023 and subsequently tabled by the Planning Board to a date certain (August 8th, 2023) on the July 11, 2023 Planning Board meeting. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the zoning ordinance or zoning map.

II. Background: Amendments to the zoning ordinance, including the zoning map, may be initiated by the Planning Board on its own initiative or upon request by the City Council or by a petition signed by not less than 25 registered voters of the city (Ord. of 9-21-2009, Sec. 8.1A) Zoning map and text changes may be appropriate where they serve to support the goals of the Comprehensive Plan.

Staff currently understands that front setbacks in T-4.2B zoning districts may be measured from shared accessways, private ways, and shared parking areas. This petition seeks to clarify this understanding by adding the underlined language to Sec. 60-548B as follows: “Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of the principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. **Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area.**”

This language addition is consistent with the comprehensive plan, but staff suggests a few additional changes to T-4.2B including amending Sec. 60-548B.2- Building frontages to allow for greater flexibility for single family homes and duplexes and amending Sec. 60-548B.1- Building placement and configuration T-4.2B to decrease the minimum frontage buildout for residential lots.

In the petition's explanation, the circulator intends for the added language confirming setback interpretation to be applied to the approval of past projects to this point, and notwithstanding M.R.S. § 302 is intended to apply retroactively to all pending proceedings, without requiring any remand for re-approval by the Board for its implementation to approved projects. Staff acquired legal counsel on the intention for this language change to apply retroactively, and as such, recommends that the Board not consider retroactive because the language was not included in the petition for the amendment to change the text in the asterisk (*) to Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B.

Planning Board Action: Staff suggests planning board forward a negative recommendation to Council on the proposed text change to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023 and recommend that they not consider the retroactive language suggested in the description of the petition.

III. Suggested Reasons and Finding of Fact:

1. The applicant submitted rezoning petitions and signatures, Text with public Notice, on June 12, thus meeting submission standards (Sec. 60-1446).
2. The text amendment is consistent with the current comprehensive plan and the intent of the existing ordinance text and diagrams.
3. The text and intent of the petition can be clarified in a different way and the Board will review that later this evening.

V. Suggested Motion: I make a motion to recommend that the Council not amend (*) the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. *Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023.

East Auburn -- Citizens' Petition

REZONING PETITION

MUNICIPALITY Auburn TOTAL VALID 38 TOTAL INVALID 5

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote in the City of Auburn.

Date petition certified: 6/12/2003 Signature of Registrar: Sharon F. Penne

DATE & TIME PETITION RECEIVED

6/12/2003
1:42

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the City of Auburn Zoning Ordinance to add clarity. The proposed change includes an amendment to change the text in the asterisk (*) to Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B . *Front Setback, Principal* for Traditional Neighborhood T-4.2B to add the underlined language as follows

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

* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian access way or parking area.

Explanation: One of the primary tests of a zone change is its conformance with the Comprehensive Plan. GROWTH AREAS Type A [Residential] The Traditional Neighborhood Development (TND) District requires that new development be designed to minimize the number of vehicular access points to existing collector or other roads; shared driveways are encouraged; and dimensional standards be established that relate to the size and width of the lot. A copy of that Comprehensive Plan section is attached and marked as Exhibit A. The City has adopted the T-4.2B zoning district to meet the goals of the TND District in the Comprehensive Plan by encouraging the use of shared driveways and limiting vehicular access points to Collector roadways, the new Ordinance was intended to allow for front setbacks in the T-4.2B district to be measured from Access Ways and Parking areas on internal, shared access points. This amendment clarifies the existing text to advance the shared access point objectives of the Plan; confirms the interpretation of the dimensional requirements of the T-4.2B zoning district adopted by the planning board in its approval of projects to date; and notwithstanding 1 M.R.S. § 302 is intended to apply retroactively to all pending proceedings, without requiring any remand for re-approval by the Board for its implementation to approved projects.

Note * Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

Circulator's Affidavit

I CAROL DeROY
of 68 Aquamarine Ct., Auburn, hereby certify that I am a resident of
the City of Auburn; that I personally circulated this paper and witnessed the
signatures thereon; and, to the best of my knowledge and belief, each signature
is that of the person it purports to be. Further, I certify that each signer had the
opportunity, before signing, to read the full text of the ordinance proposed to be
enacted. _____

Signature of Circulator

Carol A. DeRoy

Printed Name CAROL DeROY

Subscribed to and sworn before me on this date June 10, 2023 (Date must be completed by Notary)

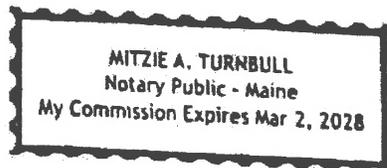
Mitzi A. Turnbull

Signature of Notary

Mitzi A. Turnbull

Printed Name

Date my Notary Commission expires: March 2, 2028



Note * Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

Circulator's Affidavit

I Abigail Prosser
of Auburn, ME, hereby certify that I am a resident of
the City of Auburn; that I personally circulated this paper and witnessed the
signatures thereon; and, to the best of my knowledge and belief, each signature
is that of the person it purports to be. Further, I certify that each signer had the
opportunity, before signing, to read the full text of the ordinance proposed to be
enacted. AMM

Signature of Circulator

Abigail L. Prosser

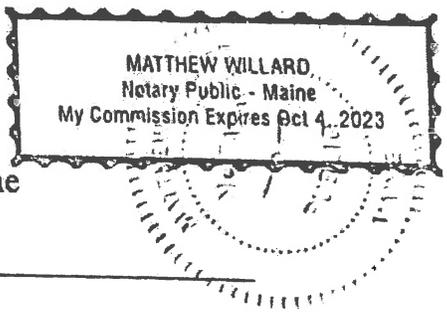
Printed Name

Subscribed to and sworn before me on this date 06/09/2023 (Date must be
completed by Notary)

[Signature]

Signature of Notary

MATTHEW WILLARD Printed Name



Date my Notary Commission expires: 10/04/2023

Note * Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

Circulator's Affidavit

I Jessra Klimek
of Auburn, hereby certify that I am a resident of
the City of Auburn; that I personally circulated this paper and witnessed the
signatures thereon; and, to the best of my knowledge and belief, each signature
is that of the person it purports to be. Further, I certify that each signer had the
opportunity, before signing, to read the full text of the ordinance proposed to be
enacted.

Signature of Circulator

Jessica Klimek

Printed Name

Subscribed to and sworn before me on this date 06/10/2023 (Date must be
completed by Notary)

[Signature]

Signature of Notary

Sequoia Hoinsky Printed Name

Date my Notary Commission expires: September 19, 2029

SEQUOIA HOINSKY
NOTARY PUBLIC
State of Maine
My Commission Expires
September 19, 2029

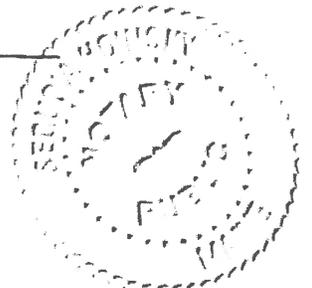


Exhibit A

In addition to the Future Land Use Map, four detail maps ([REDACTED]) show the future land use designations for specific portions of the community, including Downtown, New Auburn, Minot Avenue, and Center Street.

FUTURE LAND USE PLAN VISION STATEMENT:

As a model of carefully managed growth, Auburn seeks to grow outward from the historic cores within our city and be known for its strong, vibrant neighborhoods. The city is committed to making careful, effective, and efficient use of land and corresponding services, while strengthening the character of our neighborhoods, ensuring that resources exist to maintain and enhance the quality of life for current and future residents. Auburn's continued commitment to strong community connections, embracing opportunity, and mindful growth should be balanced with natural resource conservation and woven into the city's unique identity.

1. GROWTH AREAS –

Type A: Development Areas

Designation: Residential

TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND)

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre in areas that are served or can be served by public/community sewerage and public/community water ([REDACTED]). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

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

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

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 10 feet. Side and rear setbacks should

Exhibit A

be 5-15 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

SUBURBAN DEVELOPMENT DISTRICT (SD)

Objective – Allow for the development of a limited range of residential and community uses at a density of up to 6-8 units per acre in areas that are served or can be served by public/community sewerage and/or public/community water (see Figure 2.4). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Suburban Development District generally follows the boundaries of the Multifamily Suburban and Suburban Residential Zoning Districts, in effect at the time of the 2021 Comprehensive Plan update (see appendix). The following general types of uses should be allowed within the Suburban Development District:

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

Development Standards – Residential uses should be allowed at a density of up to 8 units per acre with no minimum road frontage required, shared driveways are encouraged. In general, the minimum front setback should be 10 feet. Side and rear setbacks should be 5-20 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

Designation: Nonresidential and Mixed Use

FORM-BASED CODE DEVELOPMENT DISTRICT (FBCD)

Objective – Stabilize and promote continued investment in the City's high-density neighborhoods which include a mix of housing types including multi-unit buildings to assure that they remain safe, attractive areas in which residents want to live (see Figures 2.3 and 2.4). To this end, the district should allow property owners to upgrade their properties, and for infill development and redevelopment/reuse to occur, as long as it is compatible with the character of the neighborhood.

Allowed Use – The Form-Based Code Development District generally follows the boundaries of the Form-Based Code (Transects 4.1, 4.2, 5.1, 5.2 and 6), in effect at the time of the 2021 Comprehensive Plan update (see appendix). The following general types of uses should be allowed within the Form-Based Code Development District:

- Low and High Density Residential Dwelling Units
- Home Occupations
- Civic Uses
- Office/Service Type Uses
- Retail Type Uses

Development Standards – The reuse/reconfiguration of existing buildings for residential purposes should be allowed without consideration of density/lot size requirements, provided that

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

Illustrative View of T-4.2B



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

The Traditional Neighborhood district is characterized by 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.

Item #3 Citizen Petition New Proposed Text Language



Item #3 Citizen Petition New Proposed Text Language

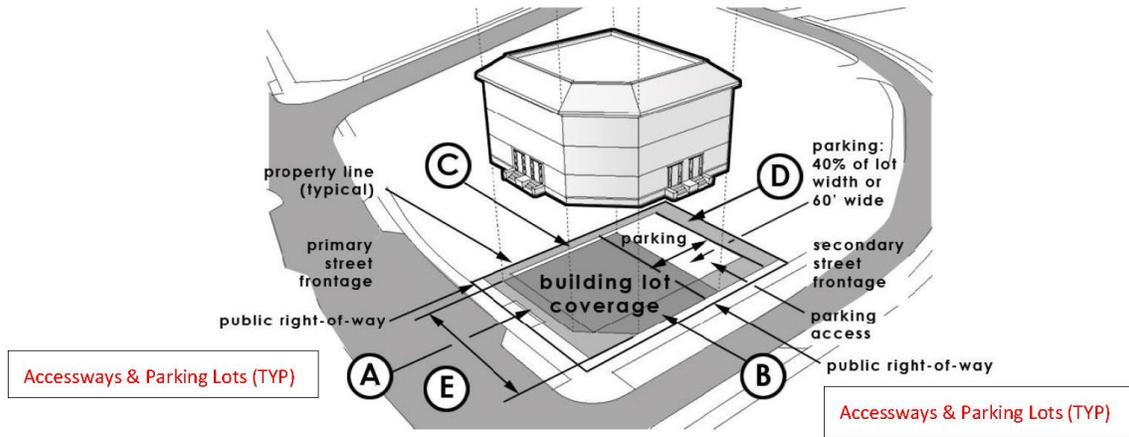


Characteristic Features

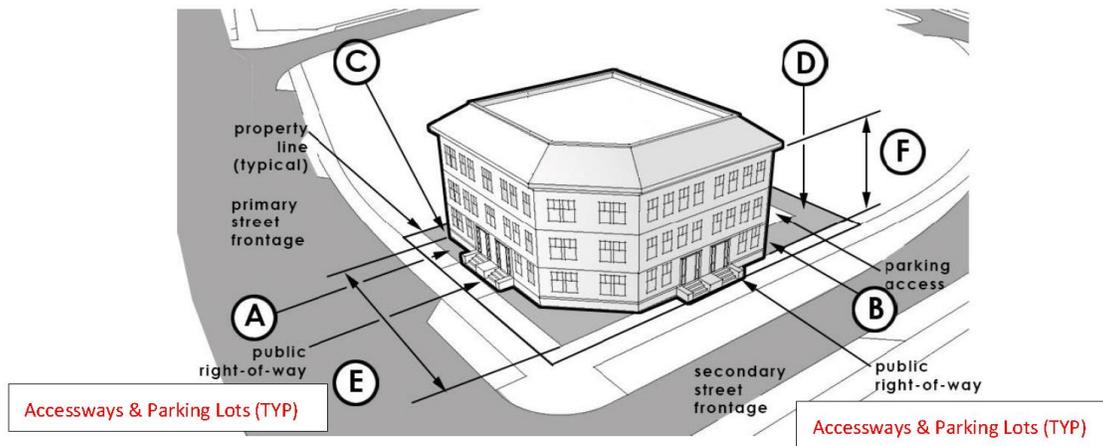
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 20-09062022, § 2, 9-19-2022)

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



Elevated Building Placement



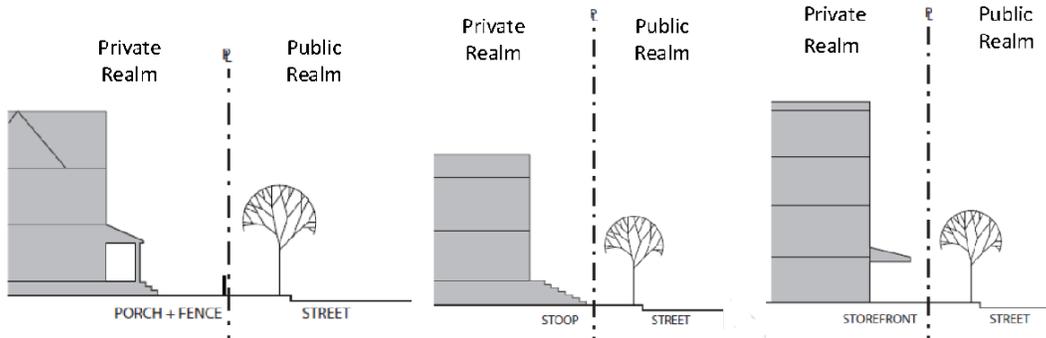
Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front setback, principal:	5 ft. min./25 ft. max.*	(A)
(Corner lot) front setback, secondary:	5 ft. min./15 ft. max.	(B)
Side setback:	5 ft. min.	(C)
Rear setback:	10 ft. min.	(D)
Building lot coverage:	70% Max.	
Useable open space:	10% Min.	
Frontage build-out:	60% min (along front setback, primary)	
Lot Width:	24 ft. min/120 ft. max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building width:	14 ft. min./110 ft. max.	(E)
Building height minimum:	1 story min.	(F)
Building height maximum:	3 story max.	(F) (excluding attic story)

* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. **Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area.**

(Ord. No. 20-09062022, § 2, 9-19-2022)

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



Common or Porch Yard Stoop Yard Frontage Storefront Type

BUILDING FRONTAGE TYPES:	Common yard; porch yard, stoop and storefront.
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground story building frontage facade:	<u>Residential</u> - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. <u>Commercial</u> - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper story building frontage facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground story finished floor elevation:	<u>Residential</u> - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). <u>Commercial</u> - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage facade wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 20-09062022, § 2, 9-19-2022)

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

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

(Ord. No. 20-09062022, § 2, 9-19-2022)

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

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

USE(1)	T-4.1	T-4.2B (4)	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS(2)
Residential Use Type							
Single family	P	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	P	1 sp/DU
Multi-family	P	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & breakfast < 4 rooms	S	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & breakfast > 4 rooms	S	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/child care facility	S	S	S	S	S	P	½ sp/employee plus 1 sp/8 users
Home occupation	P	P	P	P	P	P	Based on use type (ch. 60, art. IX)
Community based residential facilities	P	S	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding house/ lodginghouse	P	S	P	P	S	X	1 sp/guestroom plus 1 sp/employee
Office/Service							
Professional offices	S	S	S	P	P	P	None
Medical and dental clinics	S	S	S	P	P	P	None
Personal services	S	S		P	P	P	None
Retail Type Use							
General retail	S	S	S	P	P	P	None
Age restricted retail(3)	S	X	S	S	S	S	None
Specialty shops	S	P	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		X	S	S	P	P	None
Halls, private clubs, indoor amusement	S	S	S	S	P	P	None
Artist studios, performing art center	S	S	S	P	P	P	None

Civic							
Church or places of worship	S	S	S	P	P	P	None
Government offices	X	S	X	P	P	P	None
Art galleries	S	P	P	P	P	P	None
Transportation facilities	X	X	X	S	S	S	None
Adaptive reuse of structures of community significance	S	S	S	S	S	S	None
Public safety services(5)	S	S	S	S	S	S	None
Government service(5)	S	S	S	S	S	S	None
Municipal or public utilities and communication facilities(5)	S	S	S	S	S	S	None
Municipal services	P	P	P	P	P	P	None
Detention facility(5)	X	X	X	X	S	X	None

Notes:

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

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021; Ord. No. 20-09062022, § 3, 9-19-2022; Ord. No. 02-02132023, 2-17-2023)

Staff and Planning Board
Recommended Text
Amendment T4.2B



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

04210 www.auburnmaine.gov |

207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report: Staff Recommendation Text Amendments to T-4.2B to Add Clarity

Date: August 8th, 2023

I. Public Hearing/ Zoning Text Amendment: Consider a proposed text change to Sec. 60-548B- 1.) Intent and Purpose, 2.) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout, 3.) Sec. 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. 4.) amend (*) the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. *Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area for Traditional Downtown Neighborhood T-4.2B.*

II. Background: Staff currently understands that additional clarity is desired for the text of the T-4.2B Zoning District. The current text of the T-4.2B form-based codes does not differentiate between residential single-family homes, development of small infill lots and special exception/subdivision development of larger lots. Some clarification is recommended that effects frontage buildout, setback measurements and general clerical items.

Staff suggests that the Board consider language similar to the previous petition in addition to amending Sec. 60-548B.2- Building frontages to allow for greater flexibility for single family homes and duplexes and amending Sec. 60-548B.1- Building placement and configuration to decrease the minimum frontage buildout for residential lots. The proposed language and changes are attached. Staff recommends that the Planning Board hold a Public Hearing, and vote on the amendments to the zone.

Planning Board Action: Staff suggests planning board hold a public hearing and vote to recommend approval of the ordinance amendments(attached).

III. Suggested Reasons and Finding of Fact:

1. The text amendment is consistent with the current comprehensive plan.
2. The proposed text amendment clarifies the intent of the existing ordinance and encourages shared access ways for multiple buildings to minimize curb openings on public streets.
3. The amendment modifies the T4.2B text to allow additional flexibility and simplify permitting for one and two-family homes.

V. Suggested Motion: I make a motion to recommend that the City Council approve the proposed ordinance amendment(attached), including amendments to:

1) Sec. 60-548B- 1. Intent and Purpose “setback”,

2) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout for commercial and multi-family and 30% minimum for single family and two-family homes. This provision does not apply to developments with private shared access ways to more than one structure.,

3) Sec. 548B.2, Building Frontages T4.2B Table as shown on the attached Ordinance Amendment Document.

4) Amendment to the note (*) in the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Front Setback, Principal - Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area.

(As shown in the attached Ordinance Amendment Document)

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

Illustrative View of T-4.2B

Intent and Purpose: Traditional

The Traditional characterized by small to with smaller front yards and compact urban environment and neighborhood sized storefronts. and maximum building setbacks dense street-wall pattern, styles and pedestrian friendly



Neighborhood (T-4.2B)

Neighborhood district is medium sized buildings stoops in a more includes and traditional The smaller minimum form a moderately diverse architectural streets and sidewalks.

Illustrative View of T-4.2B





Characteristic Features

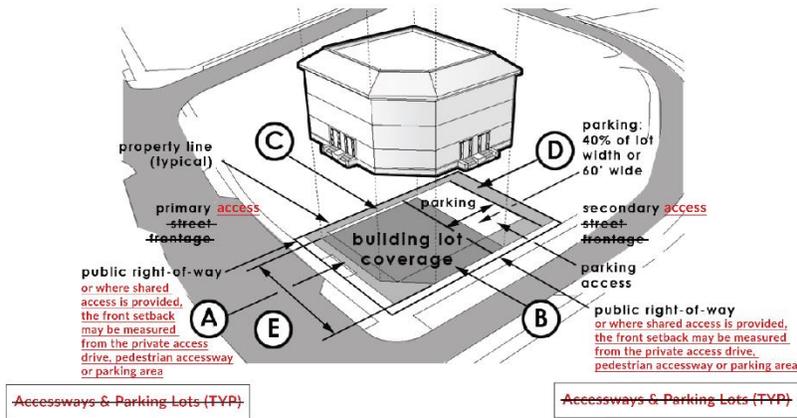
- More public and private realm interaction
- Front facade detailing
- Small front yards

Sec.60-40(b) Table update

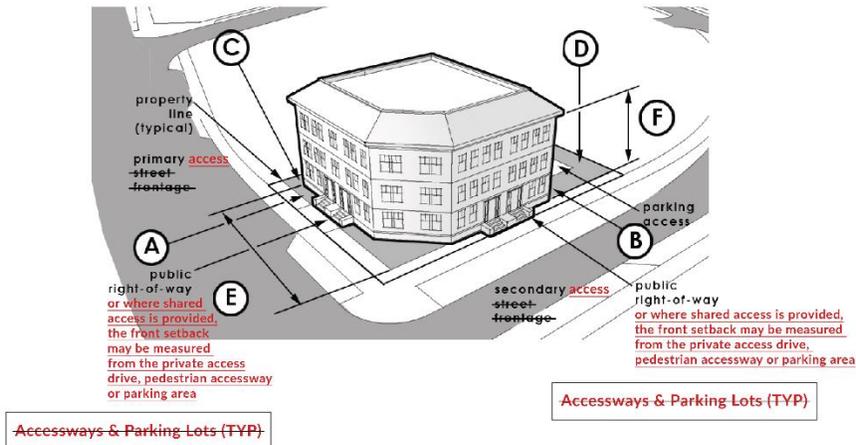
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 20-09062022, § 2, 9-19-2022)

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



Elevated Building Placement



Building Placement on Lot

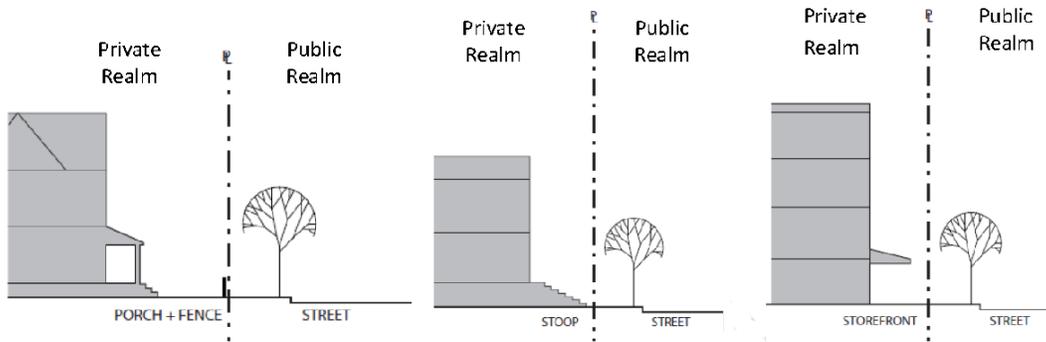
PRINCIPAL BUILDING PLACEMENT:		
Front setback, principal:	5 ft. min./25 ft. max.*	(A)

(Corner lot) front setback, secondary:	5 ft. min./15 ft. max.	(B)
Side setback:	5 ft. min.	(C)
Rear setback:	10 ft. min.	(D)
Building lot coverage:	70% Max.	
Useable open space:	10% Min.	
Frontage build-out:	60% min (along front setback, primary) for commercial and multi-family uses and 30% minimum for single family and two-family homes. This provision does not apply to developments with private shared access ways to more than one structure.	
Lot Width:	24 ft. min/120 ft. max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building width:	14 ft. min./110 ft. max.	(E)
Building height minimum:	1 story min.	(F)
Building height maximum:	3 story max.	(F) (excluding attic story)

* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. **Front Setback, Principal - Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area.**

(Ord. No. 20-09062022, § 2, 9-19-2022)

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



Common or Porch Yard Stoop Yard Frontage Storefront Type

BUILDING FRONTAGE TYPES:	Common yard; porch yard, stoop and storefront.
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground story building frontage facade:	<u>Residential with one or two units – No minimum and maximum window and door area applies.</u> <u>Residential with three or more units - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade.</u> <u>Commercial - Windows and doors shall comprise a</u>

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(Supp. No. 26)

	minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper story building frontage facade:	Residential structures with one or two units - <u>No minimum and maximum window and door area applies.</u> Residential structures with three or more units and Commercial- 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.

(Ord. No. 20-09062022, § 2, 9-19-2022)

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
Form Based Code Regulating Plan:		
Traditional Main Street Neighborhood (Transect 4.1)	Residential/Commercial	T-4.1
Traditional Neighborhood (Transect 4.2B)	Residential/Commercial	T-4.2B
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; Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 56, 3-15-2021)

Zoning Map Amendment

Area A1



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

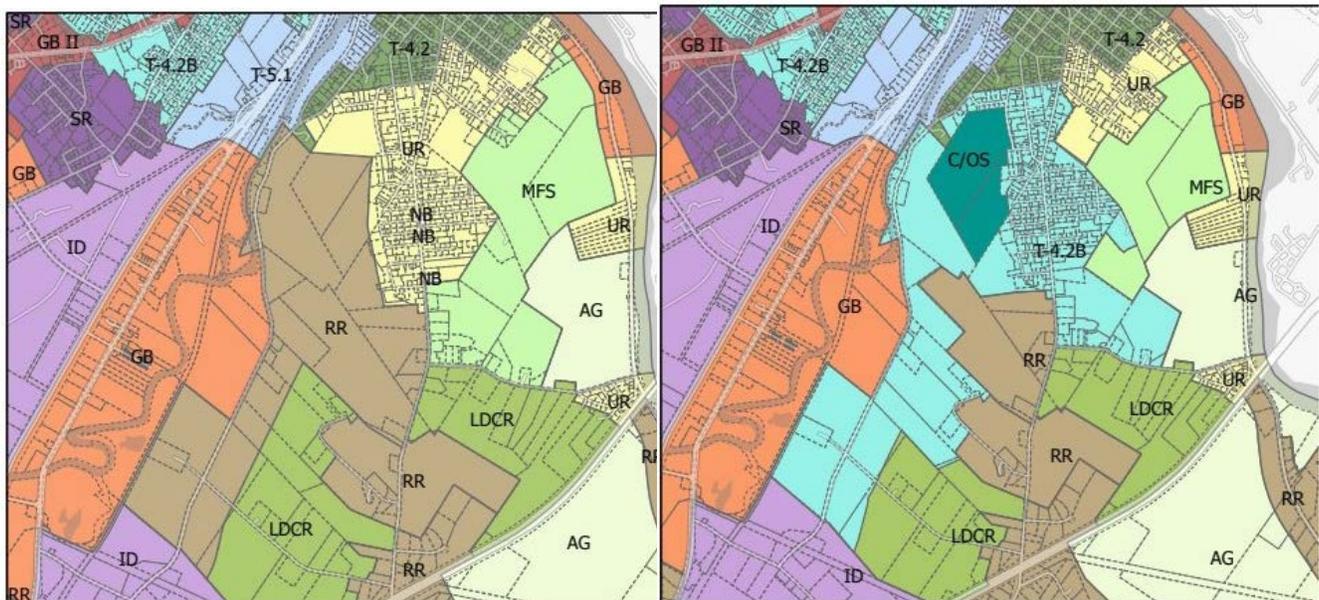
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area A1

Date: August 8, 2023

- I. Public Hearing/ Zoning Map Amendment/ T-4.2B Area A1:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road.



Current Zoning

Proposed Change

II. Background: Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four Areas, A-D, across the city.

The July 11, 2023 meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council. Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11th meeting:

1. “Area A” as presented on July 11 has been divided into ‘Area A1” and “Area A2”. Since portions of the area are more controversial than others, this makes it possible to decide on the two portions individually as shown on the proposed zoning maps.
2. The proposed map reflects the existing colors in Auburn’s official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
3. Two parcels, Sherwood Forest, and the adjacent parcel owned by Androscoggin Land Trust are proposed to be changed to a Conservation Open Space zone to reflect their public use and to make it clear that they are not available for T-4.2B development.

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

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

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

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

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the

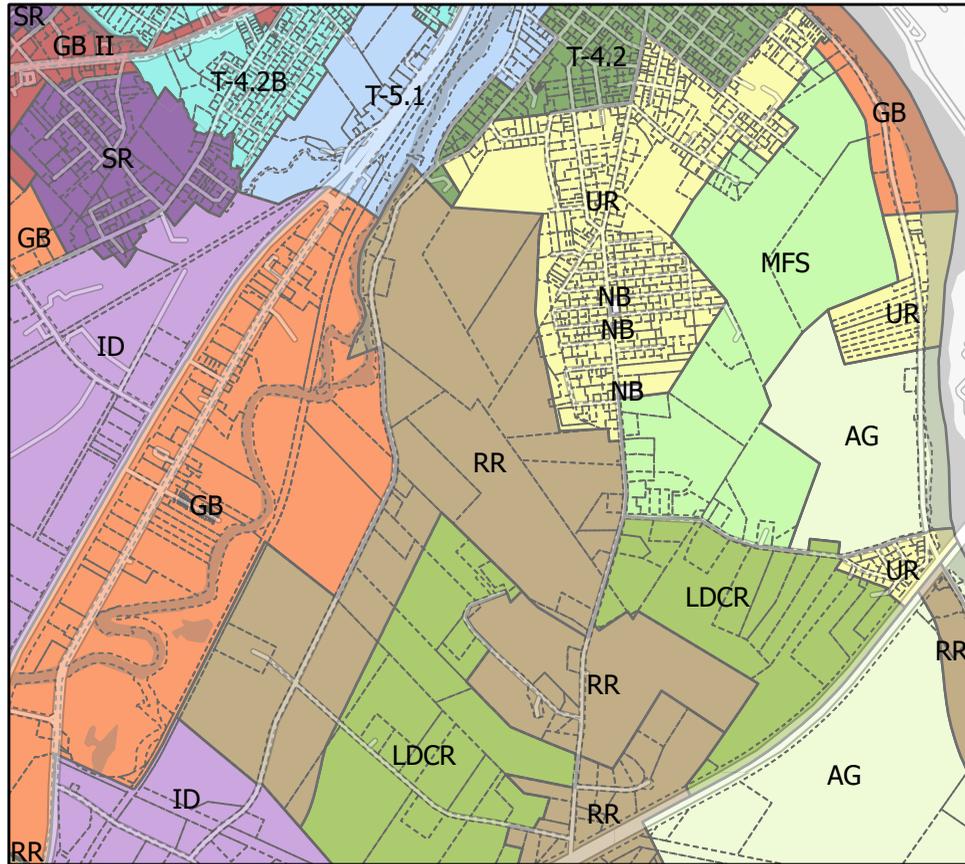
size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

IV. Suggested Findings, Reasons and Staff Recommendation: Forward a positive recommendation to City Council to rezone Area A1 to T-4.2B and Conservation Open Space as shown on the attached proposed zoning map (Area A1) with the following suggested findings:

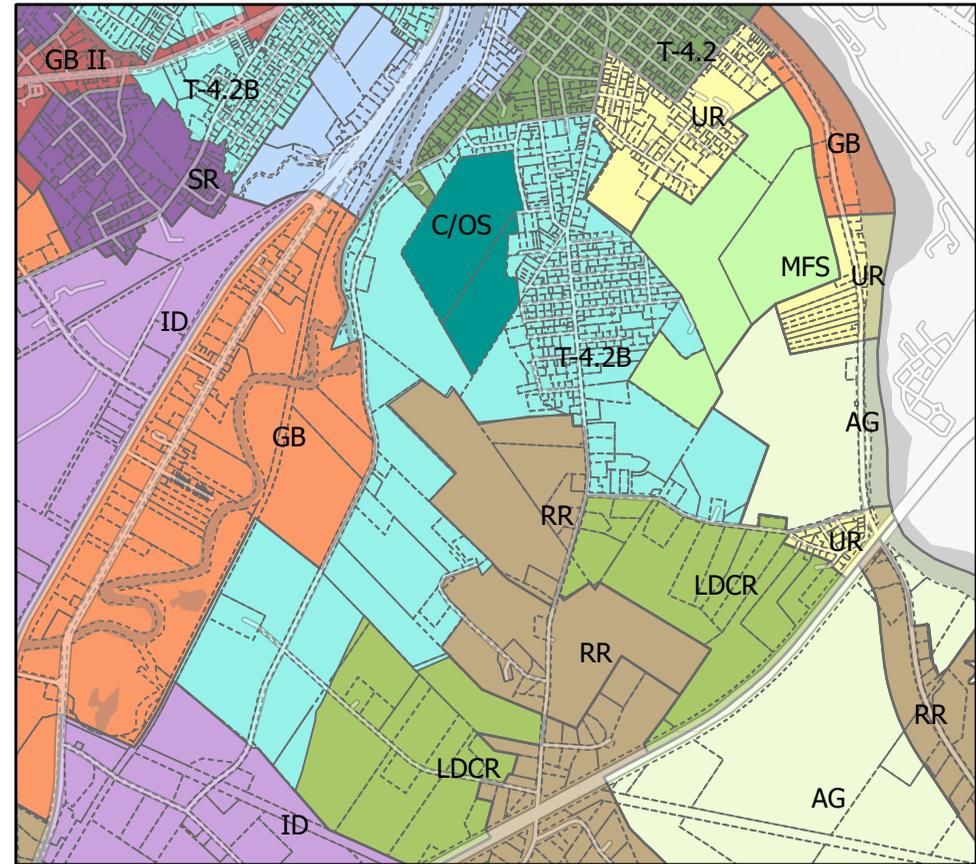
1. The 2021 Comprehensive Plan recommends expanding the Form Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals (see above item IV).
3. The city's transportation goals identified in the Comprehensive Plan will require infill between New Auburn and Broad Street. As the City is planning for a highway interchange, (Appendix A) creating higher density in this area will bring the City closer to this goal.
4. The Comprehensive Plan supports growth in the "city core" which includes Area A1. Developing within the city core means more efficient, cost-effective city services to support growth.
5. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
6. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
7. Limit the need for new city- maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
8. Form based code allows for five-foot front and side setbacks in contrast with the current twenty-five-foot setbacks from the front of the lot. Many existing homes in Area A1 are nonconforming because the traditional building pattern set homes close to the road, not in alignment with current zoning standards. The nonconforming buildings meeting this description can remain where they are if unchanged, but nonconformance drastically limits the improvements or repairs a homeowner can make. Reducing the setbacks as proposed alleviates this challenge.
9. The current zoning in Area A1 only allows single-family and two-family homes, limiting housing affordability, production and who can live in Auburn's neighborhoods. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many people. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
10. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.

- V. **Suggested Motion:** I make a motion to recommend amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment has been and is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road as shown on the attached map (A1).

Area A1



Current Zoning



Proposed Change

Zoning Districts

- | | | | | | | |
|--|-----------------------------|--|---|--|-------------------------------------|------------------------|
| AG - Agriculture and Resource Protection | GB - General Business | LDCR - Low Density Country Residential | SR - Suburban Residential | T-4.2 - Traditional Downtown Neighborhood | T-5.1 - Downtown Traditional Center | UR - Urban Residential |
| C/OS - Conservation / Open Space | GB II - General Business II | MFS - Multi-Family Suburban | T-4.1 - Traditional Mainstreet Neighborhood | T-4.2B - Traditional Neighborhood Development District | T-5.2 - Downtown City Center | Parcels |
| | ID - Industrial | RR - Rural Residential | | | T-6 - Great Falls Metropolitan | |

Appendix A: Transportation Goals: This applies to Area A1, A2, Area B1 & B1. Future plan regarding Washington Street also connect to Area C.

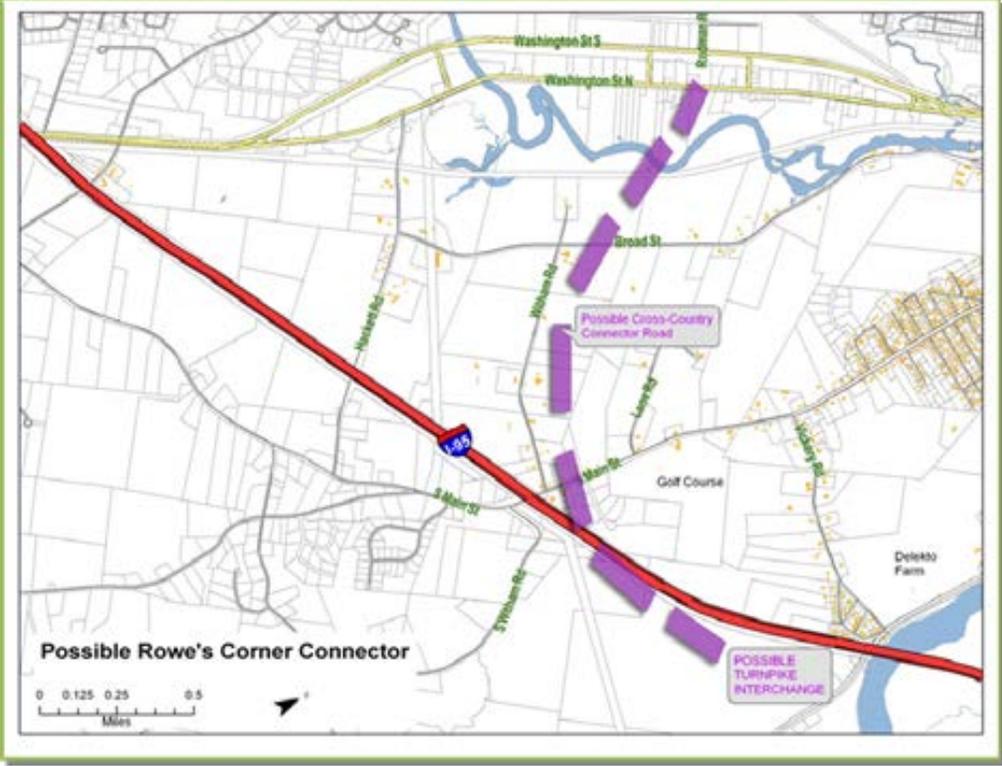
“Goal G.1: Auburn supports real-estate growth patterns that fully utilize the utility of all road networks in the city, making necessary additional connections between road networks to advance this goal...”

1. The full utility of the Maine Turnpike and Washington Street have not been integrated into residential growth patterns in Auburn. Previous efforts to integrate the Turnpike focused on industrial/commercial growth, which is no longer recommended in the Comprehensive Plan.
2. The New Auburn area is dominated by streets running north to south with limited east to west connections. The Little Androscoggin and Androscoggin Rivers have driven that development history and the Comprehensive Plan specifies recommendations to establish broader east-west connectivity. Developing a grid network as projects are proposed under site plan review will allow for priority streets to serve both local uses and regional mobility and keep through traffic out of neighborhoods.
3. Developing a connected grid of streets will need to be part of site plan review to avoid creating congestion and safety issues in key areas of New Auburn village and Danville.

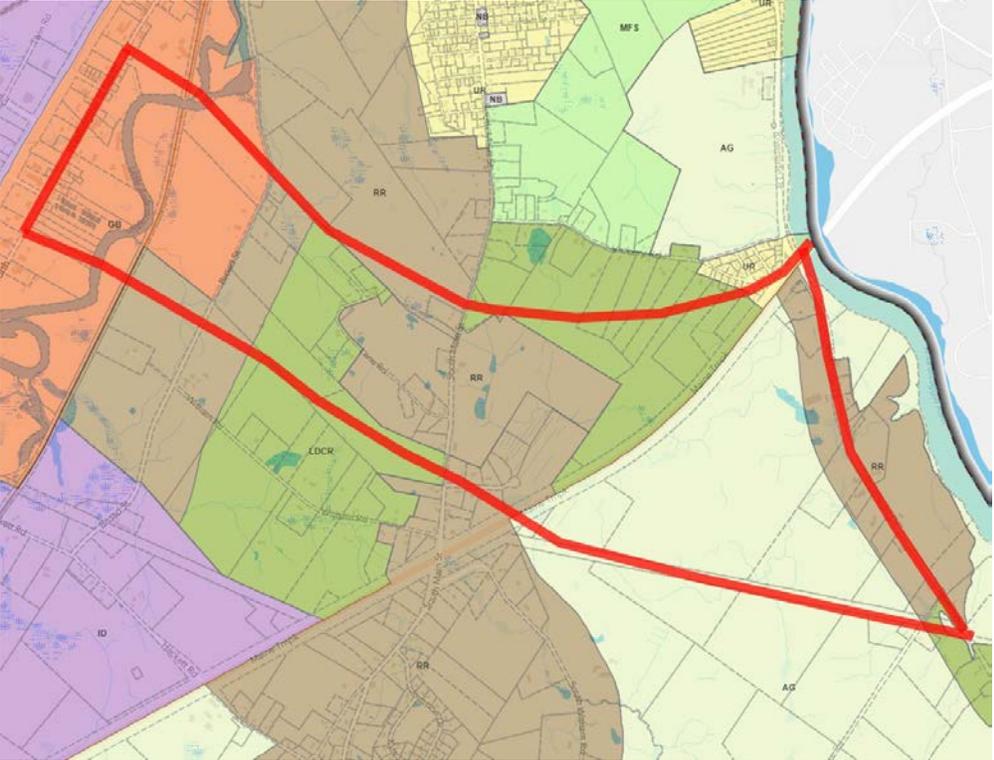
“Goal G.2: Auburn has a well-designed-and functioning road network that safely and equitably moves all manner of users (cars, buses, bikes, and pedestrians) into and through the community while expanding traditional residential neighborhood growth patterns in Danville and New Auburn. Expansions in neighborhood growth are in keeping with traditional transportation network patterns, such as interconnected streets that provide multiple travel patterns, avoiding a rigid hierarchy of streets.”

1. Additional residential growth at the densities already in place in the core neighborhood will have an impact on the existing road network in New Auburn. Implementing this comprehensive plan goal is done through increased density allowed in zoning and the establishment of an interconnected street grid, over time, resembling the existing built area.
2. Expansions in transportation capacity, such as connector roads or highway interchanges, are difficult to permit if the goal is “sprawl repair” due to haphazard road layout and inefficient use of land for community growth.
3. New capacity, linked to providing for regional mobility and a protection of neighborhood and village street grids, does provide a strong foundation for pursuing state/federal permitting.

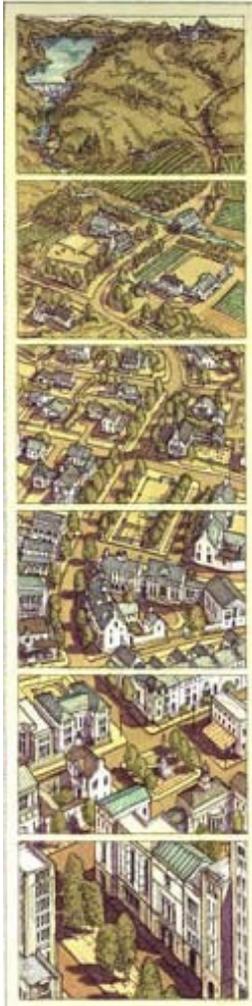
Possible Connector- Comprehensive Plan page 51



Possible Connector Protection Corridor



FREQUENTLY ASKED QUESTIONS



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

How would T-4.2B affect my neighborhood?

Building by form as regulated in T-4.2B will differ based on where you live and the existing neighborhood form. Most city lots are small and already built on, likely limiting additional development to infill housing

opportunities and freedom for property owners to add additional units or make improvements to existing homes. Each landowner can decide whether to make changes to their property based on the ordinances and the existing conditions. In general, this zoning opens opportunities for landowners to add value to their property.

Would higher density in the city core make the traffic worse? Adding more housing, though may add more vehicles to the road in the short term, will allow the city to fund projects to improve current road conditions, and invest in improving circulation patterns throughout the city. Increasing density will also make Auburn a more viable location to extend pedestrian and bicycle infrastructure, local public transit, and especially commuter transportation to and from nearby metro areas like Boston, Portland, and more.

Form based code encourages building closer to the street, creating the illusion of narrower roadways which are proven to slow down vehicles. This zoning encourages and supports safe pedestrian traffic, over time also decreasing reliance on vehicles.

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

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

A reliable marker for determining enrollment trends in schools is the rate of preschool enrollment. Superintendent, Dr. Connie Brown, noted in 2022 that preschool enrollment has been decreasing over the past several years resulting in needing to close Walton Preschool and reducing the hours of East Auburn preschool. She noted that there are other schools that may need to close if they cannot increase enrollment.

The school district can, and in some cases will need to absorb more students, though it is also struggling with attracting and retaining teachers. The recommended monthly house payment is 28% of a person's income. The entry level pay for a teacher is \$42,000.00, a firefighter starting wage is \$45,000.00 plus average OT is \$10,000 for a total of \$55,000.00, and a police officer with OT is \$65,000.00. The average price of an existing, entry level home is \$267,500.00 and the average cost of a new entry level home is \$318,000. Based on the 28% recommendation, a person would need to make \$87,450.00/ year to afford an existing entry level home, and 104,6000.000/year to afford a new entry-level home. People working the above noted jobs, which are critical to some of the most important city services could not afford to build or purchase a home in the city that they work in. A teacher and fireperson living together still could not afford a single-family home in the city where they work. Dr. Brown stated that her number-one reason for teacher resignations is that they found another job closer to where they live. Housing options need to reflect different families and individuals' lifestyles and incomes.

How might new zoning affect the housing crisis?

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

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

What can I expect?

T-4.2B will allow uses other than single family including small businesses with a residential unit on the same parcel. Businesses shall not be over 1,500 square feet. Drive-through restaurants are not allowed in T-4.2B and cannabis shops are also prohibited. There are some businesses that

will be prohibited, and most will require Special Exception Approval from the Planning Board, with Public Notice and Hearing, depending on the size and type.

WHY CONSIDER APPLYING FORM BASED CODE TO THESE FIVE AREAS:

1. The proposed zone change will **increase housing opportunity** for more people by lowering barriers to finding housing. Auburn's housing supply is limited and is not increasing fast enough to accommodate both current residents and those who want to call Auburn home. Housing scarcity drives up prices and increasing the supply of housing will lower the cost overtime.
2. The proposed zoning will **allow a wider variety of housing**. Offering choice in housing to residents will allow more residents the freedom to live as they want and not pay more than they can afford. Financial institutions recommend not spending more than 28% of household gross income on housing. Single family homes are outside of the price range and may not meet the lifestyle needs of many people, especially young adults, young families, empty nesters, older adults and many in between. The current zoning essentially renders housing that is not single-family or two-family illegal effectively barring those who cannot afford the high price of a single-family home to live with their neighbors. Allowing mixed use housing gives residents of all backgrounds and financial capacities options and promotes community by allowing neighbors to live close to and among each other.
3. Current traditional zoning laws tend to separate where we live from where we work, learn, and shop and force us to center roads over all other aspects of city design. These roads, as they are today, are dangerous to pedestrians and cyclists. We have an over-reliance on cars and Auburn's form-based code is meant to provide an alternative. T-4.2B **encourages walkability** by allowing uses that are not exclusively residential in moderately dense urban environments. There will not be walkability if there is nowhere to walk to. Encouraging infill and small business growth encourages walkability by giving folks spaces to walk to. Suburban sprawl as it exists limits transportation to folks who have a car and assumes that there will be little to no walking. It champions cars and roads over people and centralized communities.

T4.2B Map Zoning Amendment

Area A2



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

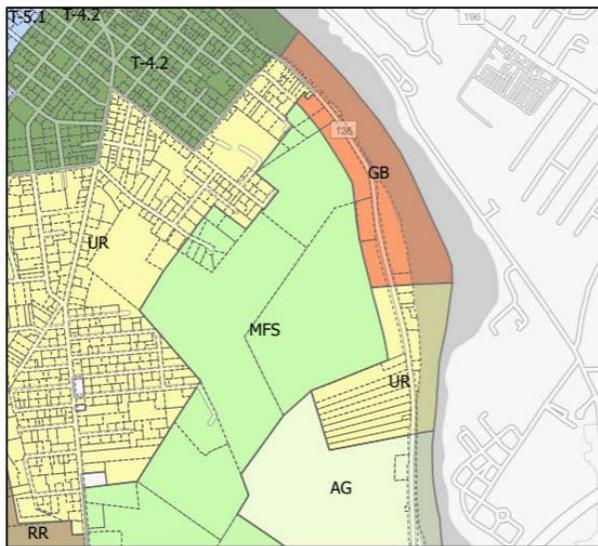
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

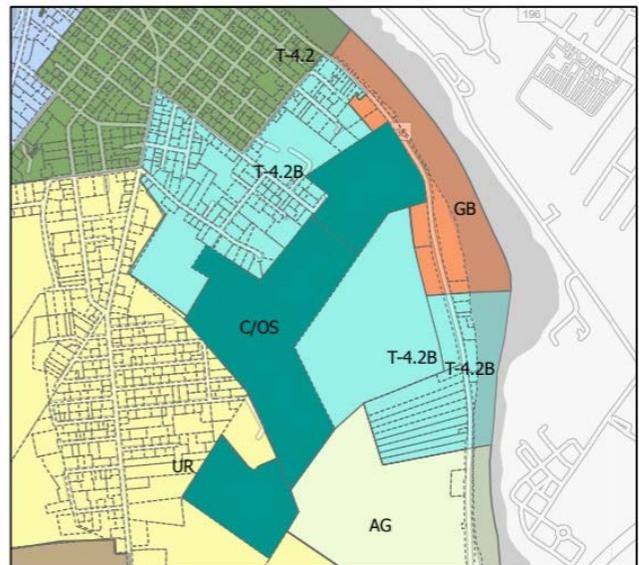
Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area A2

Date: August 8, 2023

- I. Public Hearing/ Zoning Map Amendment/ T-4.2B Area A2:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets.



Current Zoning



Proposed Change

- II. Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four areas, A-D, across the city. The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council. Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of

the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11th meeting:

1. “Area A” as presented on July 11 has been divided into ‘Area A1” and “Area A2”.
2. Area A2 is located near Mary Carroll St., Seventh St., to South Main St., and Loring Ave., where area A2 and A1 meet.
3. The proposed map reflects the existing colors in Auburn’s official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
4. Three parcels, Huston Field, and the adjacent parcel owned by Androscoggin Land Trust, and Oak Hill Cemetery are proposed to be rezoned to Conservation Open Space to reflect their public/neighborhood use.

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

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

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

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

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

IV. Transportation Goals: *See Appendix A.*

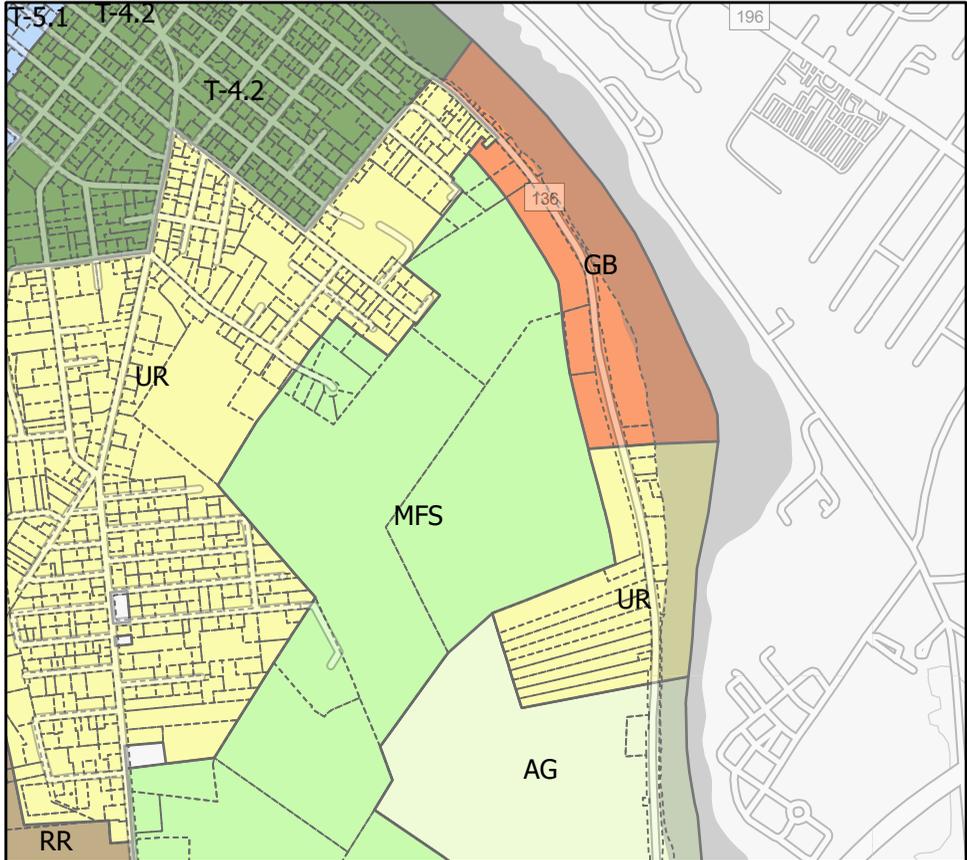
V. Suggested Reasons, Findings and Staff Recommendation: Forward a positive recommendation to City Council to rezone Area A1 to T-4.2B with the following suggested findings:

1. The 2021 Comprehensive Plan recommends expanding the Form Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals (see above item IV).
3. The city's transportation goals identified in the Comprehensive Plan will require infill between New Auburn and Broad Street. As the City is planning for a highway interchange, (Appendix A) creating higher density in this area will bring the City closer to this goal.
4. The Comprehensive Plan supports growth in the "city core" which includes Area A2. Developing within the city core means more efficient, cost-effective city services to support growth.
5. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
6. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
7. Limit the need for new city-maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
8. Form based code allows for five-foot front and side setbacks in contrast with the current twenty-five-foot setbacks from the front of the lot. Many existing homes in Area A2 are nonconforming because the traditional building pattern set homes close to the road, not in alignment with current zoning standards. The nonconforming buildings meeting this description can remain where they are if unchanged, but nonconformance drastically limits the improvements or repairs a homeowner can make. Reducing the setbacks alleviates this challenge.
9. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
10. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003, and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.

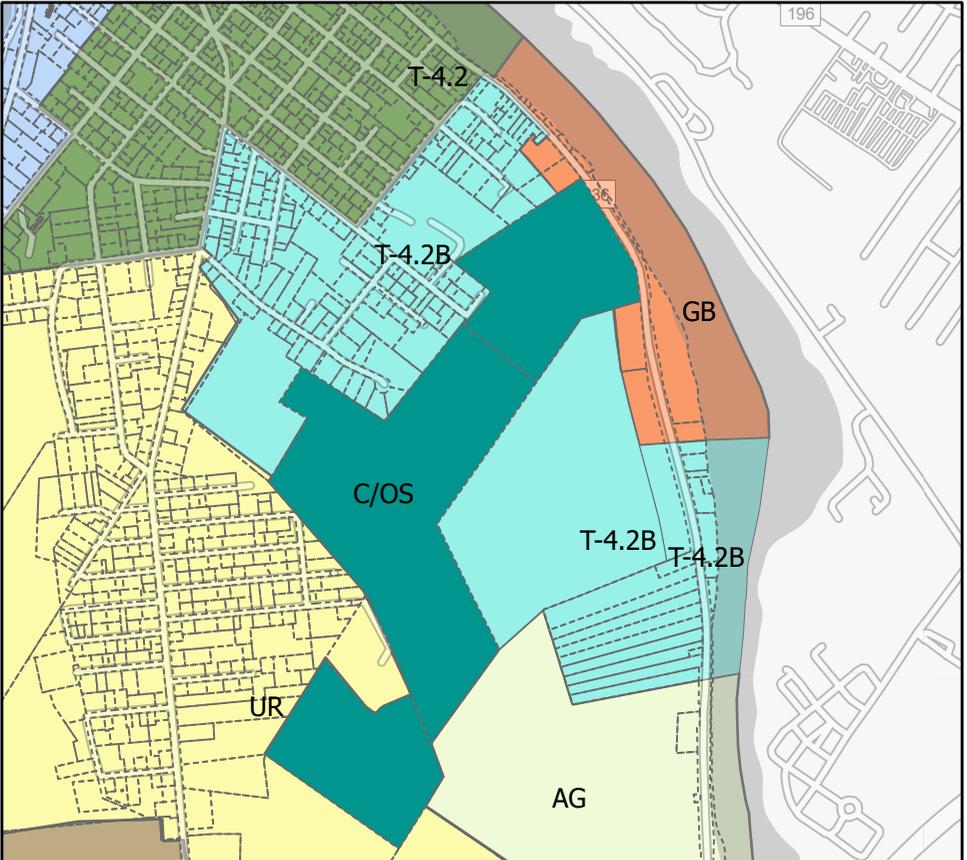
VI. Suggested Motion: I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning

district, and the Conservation/Open Space zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets as shown on the attached map.

Area A2



Current Zoning



Proposed Change

Zoning Districts

- | | | | | | | |
|--|--|--|--|---|--|---|
| <ul style="list-style-type: none"> AG - Agriculture and Resource Protection C/OS - Conservation / Open Space | <ul style="list-style-type: none"> GB - General Business GB II - General Business II ID - Industrial | <ul style="list-style-type: none"> LDCR - Low Density Country Residential MFS - Multi-Family Suburban RR - Rural Residential | <ul style="list-style-type: none"> SR - Suburban Residential T-4.1 - Traditional Mainstreet Neighborhood | <ul style="list-style-type: none"> T-4.2 - Traditional Downtown Neighborhood T-4.2B - Traditional Neighborhood Development District | <ul style="list-style-type: none"> T-5.1 - Downtown Traditional Center T-5.2 - Downtown City Center T-6 - Great Falls Metropolitan | <ul style="list-style-type: none"> UR - Urban Residential Parcels |
|--|--|--|--|---|--|---|

T-4.2B Zoning Map Amendment Area B1 & B2

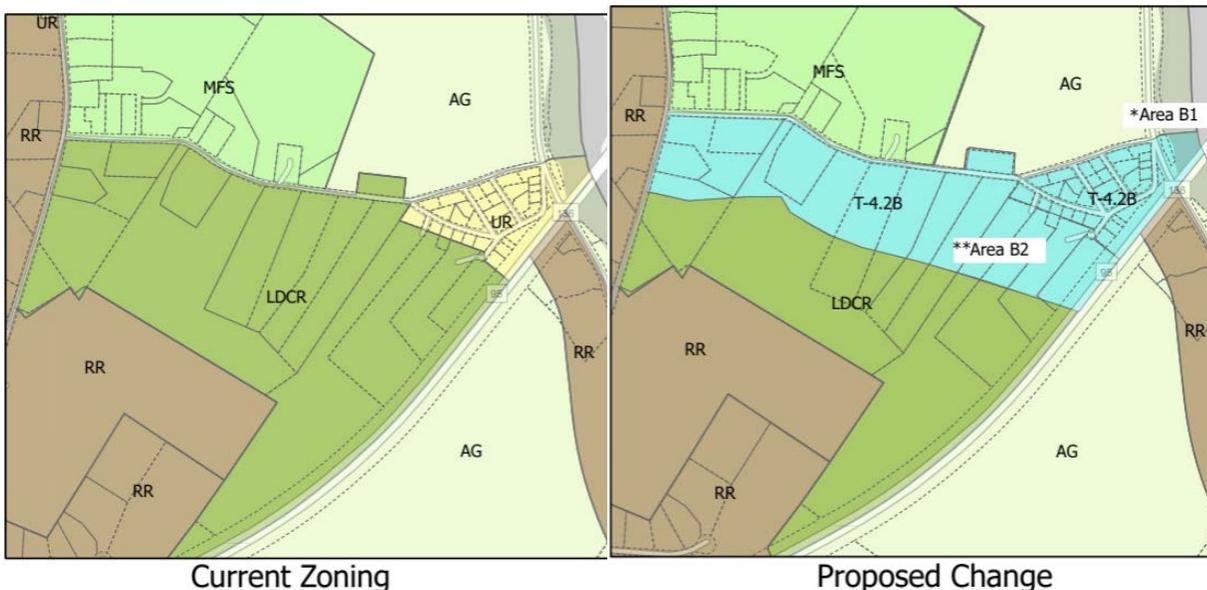
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area B1 & B2

Date: August 8, 2023

- I. Public Hearing/ Zoning Map Amendments/ T-4.2B Area B1 & B2:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016, revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. This area is generally located near Vickery Road.



- II. Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four Areas, A-D, across the city.

The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council.

Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11th meeting:

1. “Area B” as presented on July 11 has been divided into ‘Area B1” and “Area B2” on the same map intended for the same public hearing, but as two separate votes. The purpose of dividing this into two areas is so the Planning Board can evaluate whether the connection from Area A to Area B requested in the July 11 Planning Board meeting meets their expectations or whether they would rather pursue another option.
2. Area B1 is the Vickery Rd. And Carrier Ct. neighborhood formerly described as Area B. Area B2 is a 700 ft.-deep strip along Vickery Road connecting “Area A1” to Area B1 as requested by the planning board.
3. The proposed map reflects the existing colors in Auburn’s official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.

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

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

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

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

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

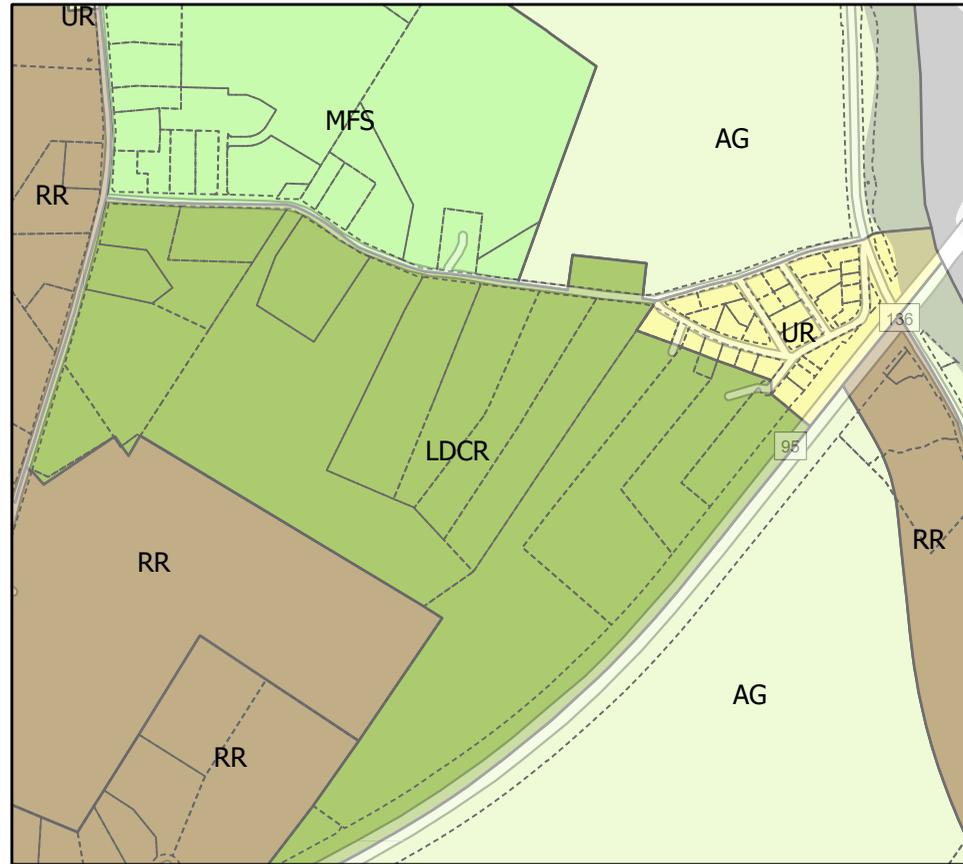
IV. Transportation Goals: *See Appendix A*

V. Suggested Reasons, Findings and Staff Recommendation: Forward a positive recommendation to City Council to rezone Area B1&B2 to T-4.2B with the following suggested findings:

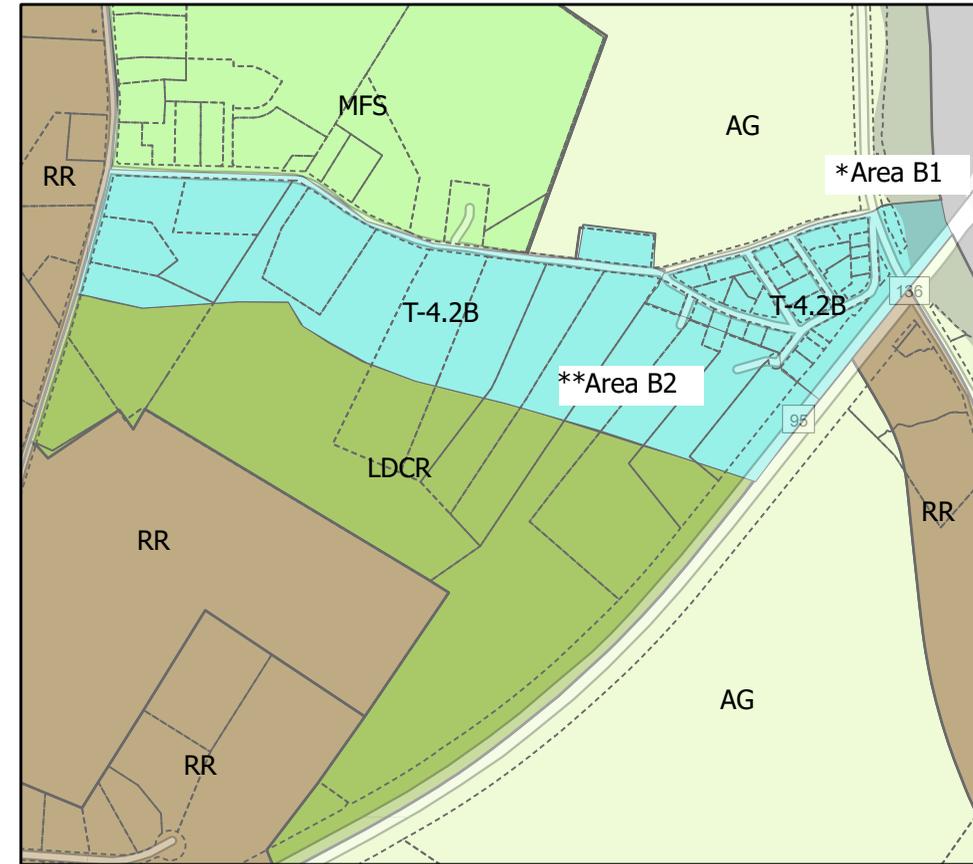
1. The 2021 Comprehensive Plan recommends expanding the Formed Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals (see above item IV).
3. The city's transportation goals identified in the Comprehensive Plan will require infill between New Auburn and Broad Street. As the City is planning for a highway interchange, (Appendix A) creating higher density in this area will bring the City closer to this goal.
4. The Comprehensive Plan supports growth in the "city core" which includes Area B1 & B2. Developing within the city core means more efficient, cost-effective city services to support growth.
5. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
6. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
7. Limits the need for new city- maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
8. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
9. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.

VI. Suggested Motion: I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Vickery Road as shown on the attached map (Area B1 & Area B2).

Area B1 & B2



Current Zoning



Proposed Change

Zoning Districts

- | | | | | | | |
|--|-----------------------------|--|---|--|-------------------------------------|------------------------|
| AG - Agriculture and Resource Protection | GB - General Business | LDCR - Low Density Country Residential | SR - Suburban Residential | T-4.2 - Traditional Downtown Neighborhood | T-5.1 - Downtown Traditional Center | UR - Urban Residential |
| C/OS - Conservation / Open Space | GB II - General Business II | MFS - Multi-Family Suburban | T-4.1 - Traditional Mainstreet Neighborhood | T-4.2B - Traditional Neighborhood Development District | T-5.2 - Downtown City Center | --- Parcels |
| | ID - Industrial | RR - Rural Residential | | | T-6 - Great Falls Metropolitan | |

*Area B1=UR to T-4.2B

**Area B2= LDCR to T-4.2B

T-4.2B Zoning Map Amendment Area C



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

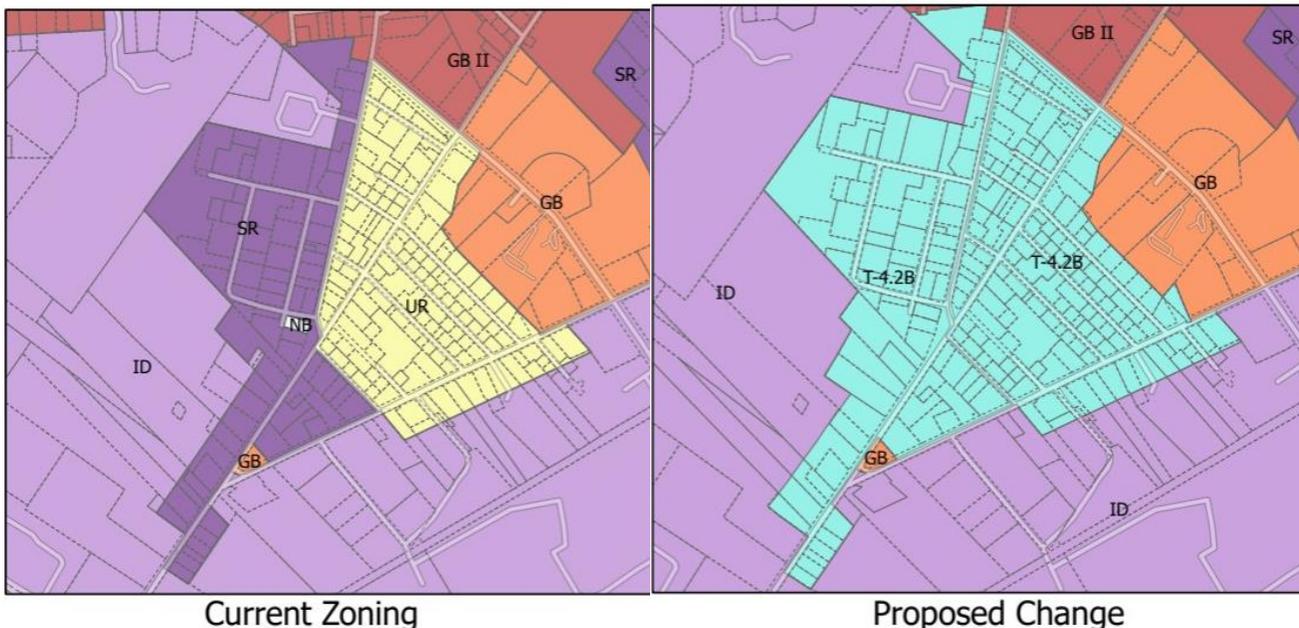
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area C

Date: August 8, 2023

- I. Public Hearing/ Zoning Map Amendments/ T-4.2B Area C:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. This area is generally located near Poland, Rodman, Manley and Hotel Roads as shown on the attached map.



- II. Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four areas, A-D, across the city.

The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council. Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11th meeting:

1. The proposed map reflects the existing colors in Auburn’s official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
2. The new zone boundaries were slightly cleaned up from last year’s map so that zoning boundaries more frequently follow parcel lines rather than splitting smaller parcels between zoning districts.

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

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

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

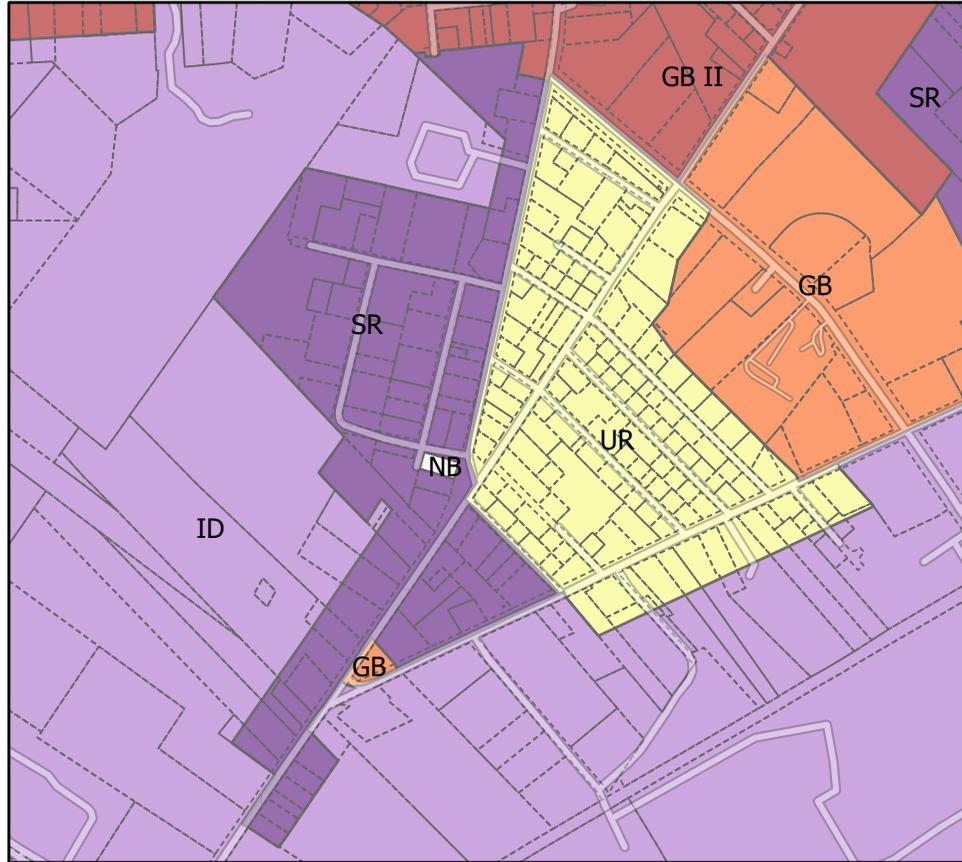
- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average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

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

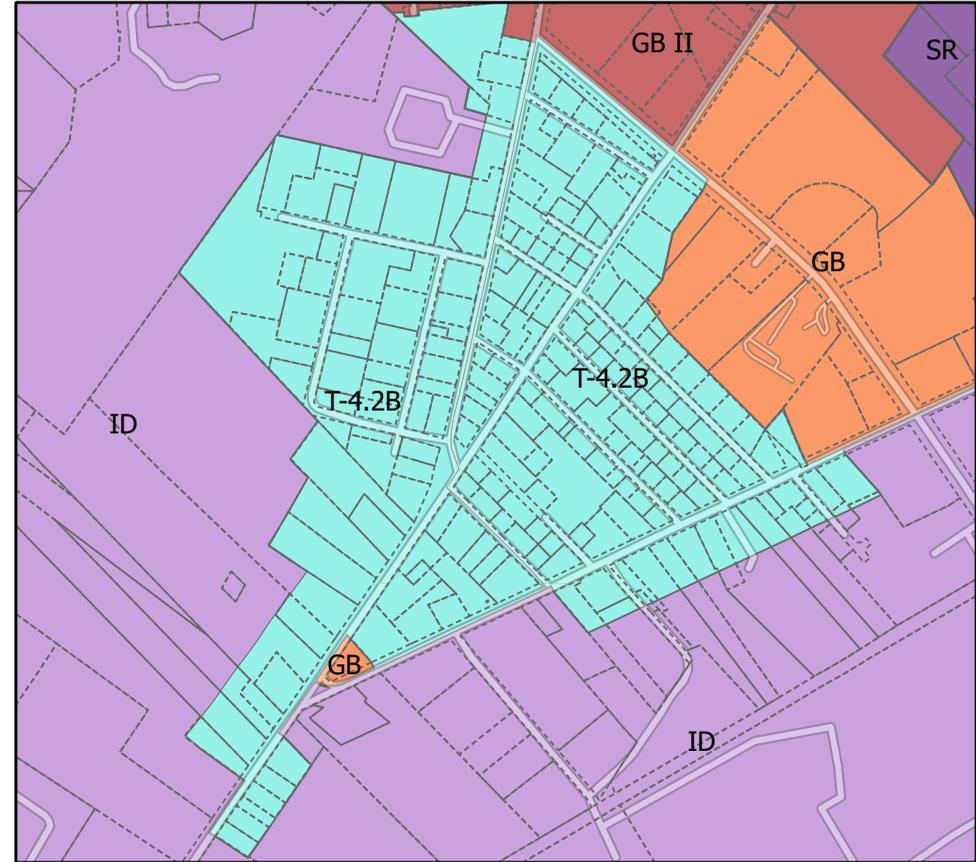
IV. Suggested Findings and Staff Recommendation: Forward a positive recommendation to City Council to rezone Area C to T-4.2B with the following suggested findings:

1. The 2021 Comprehensive Plan recommends expanding the Form Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
 2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals and will be integrated into the Washington Street Corridor roadway and pedestrian connectivity plans.
 3. The Comprehensive Plan supports growth in the "city core" which includes Area C. Developing within the city core means more efficient, cost-effective city services to support growth.
 4. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
 5. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
 6. Limit the need for new city-maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
 7. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
 8. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.
- I. **Suggested Motion:** I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Poland, Rodman, Manley and Hotel Roads and is shown on attached map Area C.

Area C



Current Zoning



Proposed Change

Zoning Districts

AG - Agriculture and Resource Protection
C/OS - Conservation / Open Space

GB - General Business
GB II - General Business II
ID - Industrial

LDCR - Low Density Country Residential
MFS - Multi-Family Suburban
RR - Rural Residential

SR - Suburban Residential
T-4.1 - Traditional Mainstreet Neighborhood

T-4.2 - Traditional Downtown Neighborhood
T-4.2B - Traditional Neighborhood Development District

T-5.1 - Downtown Traditional Center
T-5.2 - Downtown City Center
T-6 - Great Falls Metropolitan

UR - Urban Residential
Parcels

T-4.2B Zoning Map Amendment Area D

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area D

Date: August 8, 2023

- I. Public Hearing/ Zoning Map Amendment/ T-4.2B Area D:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. This area is generally located near Northern Avenue, North River Road and Bradman Streets.



Current Zoning

Proposed Change

- II. Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four areas, A-D, across the city.

The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council.

Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11th meeting:

1. The proposed map reflects the existing colors in Auburn’s official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
2. The previous map showed a 100 ft. strip along North River Road to be changed to T-4.2B. The Planning Board gave feedback that they were not comfortable with this strip, and asked instead to show the map without the area north of Bobbin Mill Brook, reducing the acreage considered for Area D.

III. **Traditional Neighborhood Development District T-4.2B:** *Description-* The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

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

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

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

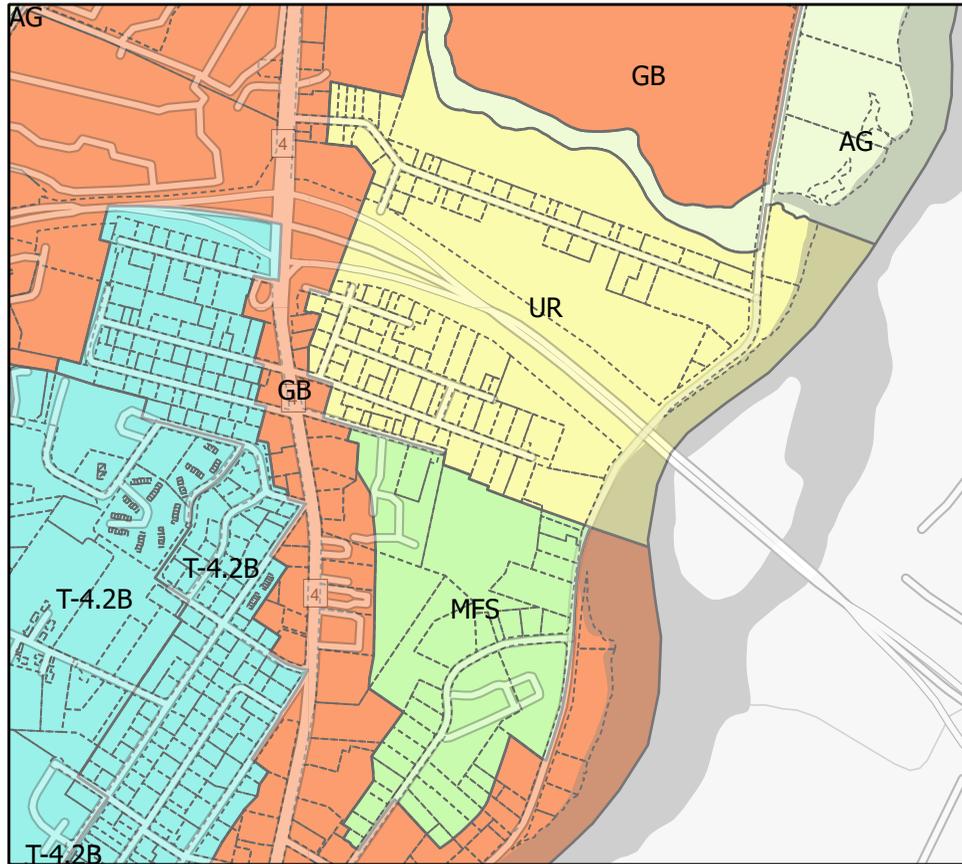
IV. **Suggested Findings and Staff Recommendation:** Forward a positive recommendation to City Council to rezone Area D to T-4.2B with the following suggested findings:

1. The 2021 Comprehensive Plan recommends expanding the Form Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.

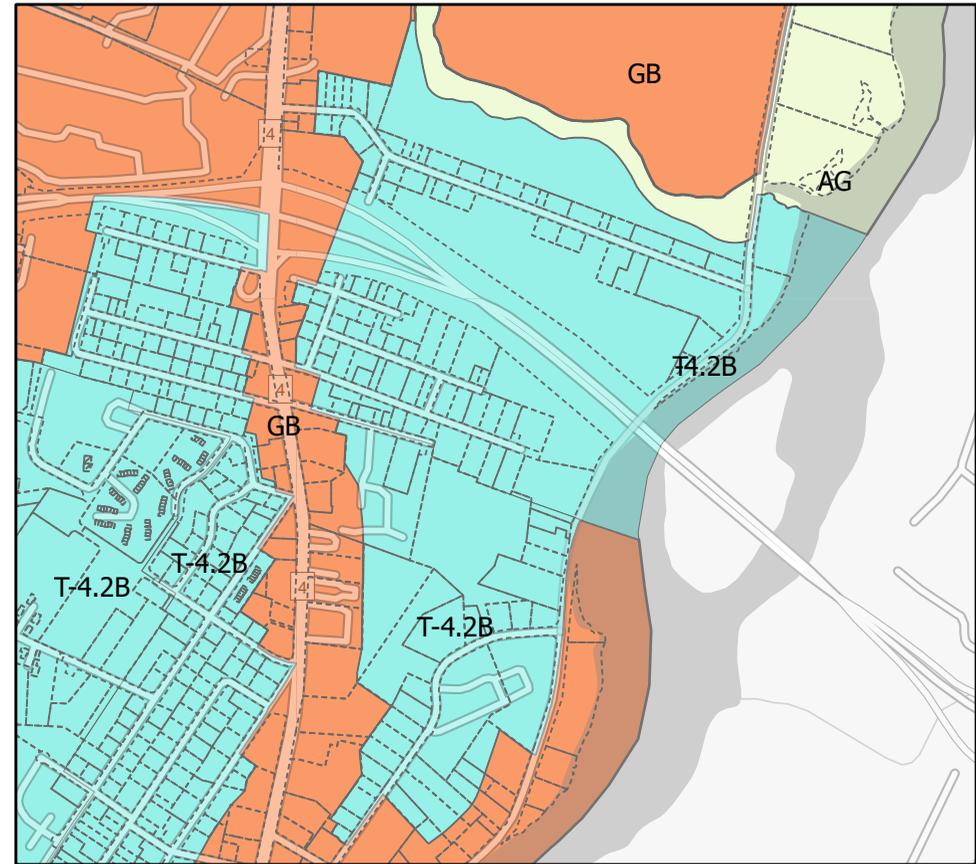
2. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
3. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
4. Limit the need for new city- maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
5. Form based code allows for five-foot front and side setbacks in contrast with the current twenty-five-foot setbacks from the front of the lot. It discards the obsolete zoning construct that requires more land than needed for supporting residences.
6. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for most. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
7. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.
8. Form based code is appropriate for this area considering the existing Urban Residential, Multifamily, and General Business zoning.

V. Suggested Motion: I make a motion to recommend amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Northern Avenue, North River Road and Bradman Streets shown on attached map D.

Area D



Current Zoning



Proposed Change

Zoning Districts

- | | | | | | | |
|--|-----------------------------|--|---|--|-------------------------------------|------------------------|
| AG - Agriculture and Resource Protection | GB - General Business | LDCR - Low Density Country Residential | SR - Suburban Residential | T-4.2 - Traditional Downtown Neighborhood | T-5.1 - Downtown Traditional Center | UR - Urban Residential |
| C/OS - Conservation / Open Space | GB II - General Business II | MFS - Multi-Family Suburban | T-4.1 - Traditional Mainstreet Neighborhood | T-4.2B - Traditional Neighborhood Development District | T-5.2 - Downtown City Center | Parcels |
| | ID - Industrial | RR - Rural Residential | | | T-6 - Great Falls Metropolitan | |



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: August 21, 2023

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

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.

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

7:00 P.M. City Council Meeting

Pledge of Allegiance

I. Consent Items

- 1. Order 99-08072023***
Confirming Chief Moen's appointment of constables with firearms and arrest powers for the Auburn Police Department.
- 2. Order 100-08072023***
Confirming Chief Moen's appointment of Cameron Mason as constable, without firearm, for the Auburn Police Department.
- 3. Order 101-08072023***
Casting the voting ballot for the 2024 Maine Municipal Association's Vice President and Executive Committee Members as nominated by the MMA Nominating Committee.
- 4. Order 102-08072023***
Confirming Mayor Levesque's appointment of Andy Titus as full member of the Ethics Panel with a term expiration of 11/1/2025.
- 5. Order 103-08072023***
Authorizing the Mayor to execute the Edward Byrne Justice Assistance Grant Program FY2023 Local Solicitation-Certifications and Assurances by the Chief Executive of the Applicant Government document to be submitted with the grant application.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage of the five consent items.

Passage 7-0.

II. Minutes

June 20, 2023, Regular City Council Meeting

Motion was made by Councilor Staples and seconded by Councilor Walker to approve the minutes of the June 20, 2023, Regular City Council meeting.

Passage 7-0.

July 10, 2023, Special City Council Meeting

Motion was made by Councilor Staples and seconded by Councilor Walker to approve the

minutes of the July 10, 2023, Special City Council meeting.

Passage 6-0-1 (Councilor Whiting abstained as he was not present for that meeting).

III. Communications, Presentations and Recognitions

- Presentation – Project Support You (PSY) Update
- Communication – Business License Denial - Medical Marijuana Cultivation Facility for Marc Fishman
- Communication – Aquatic Center in Auburn (Mayor Jason Levesque)
- Communication – Naming of City Facilities and Infrastructure (Mayor Jason Levesque)
- Council Communications (about and to the community)

Councilor Gerry spoke regarding sports funding that was going to be cut from the school budget.

Councilor Whiting stated that the baby loon on Lake Auburn appears to be doing well. He also noted that the Maine Mill received a grant from the Office of Tourism.

Councilor Walker announced that there will be an Age Friendly Community Committee meeting tomorrow at 5:30 pm. Jonathan LaBonté will be the guest speaker.

Councilor Staples thanked city staff for doing a wonderful job during the recent storm and during the Presidential visit.

Mayor Levesque echoed councilor Staples comments regarding the Presidential visit, adding that it was an honor hosting the President and thanked staff. He also noted that he will be soliciting nominations for the next John Jenkins Award, the Hands and Heart Leadership Award.

City Manager Crowell also echoed the comments about the Presidential visit. The feedback received was that our staff was on point. He added that he couldn't have asked for a better showing of Auburn and gave accolades to Kathy Leonard (Auburn Manufacturing). He went on to provide a recap of the recent storm, the damage, and the great job and restoration efforts made by staff. There was a lot of damage throughout the city. He then provided an update on the program mailing that went out to Auburn residents. Last, he announced that the 19th Annual National Night Out will be held on Thursday August 10th at 5:30 in Festival Plaza.

IV. Open Session – No one from the public spoke.

V. Unfinished Business - None

VI. New Business

1. Order 104-08072023

Approving the Mass Gathering application for the Auburn Blues & Brews event to be held on Saturday, September 9, 2023. Public hearing and vote.

IN COUNCIL REGULAR MEETING AUGUST 07, 2023, VOL. 37 PAGE 67

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

Public hearing – No one from the public spoke.

Passage 7-0.

- 2. Order 105-08072023**
Allocating funds (\$50,000) from the American Rescue Plan Act (ARPA) for the Auburn Victory Gardens Program.

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

Public comment – No one from the public spoke.

Passage 7-0.

- 3. Order 106-08072023**
Adopting the School Maintenance Labor Contract.

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

Public comment – No one from the public spoke.

Passage 7-0.

- 4. Order 107-08072023**
Authorizing the Auburn-Lewiston Municipal Airport Board of Directors to designate and sell surplus personal property.

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

Public comment – No one from the public spoke.

Passage 7-0.

- 5. Order 108-08072023**
Amending the loan between the City's General Fund and the Auburn-Lewiston Municipal Airport to extend the maturity from FY2034 to FY2036.

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

Public comment – No one from the public spoke.

Passage 7-0.

- 6. Order 109-08072023**
Approving the liquor license for Gipper's (new ownership). Public hearing and vote.

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

Public hearing – No one from the public spoke.

Passage 7-0.

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

VIII. Reports (from sub-committees to Council)

Mayor Levesque reported that a very successful Accessory Dwelling Unit Meeting was held. There were over 90 people in attendance.

Councilor Staples reported that he attended the Community Conversation that took place last week with Planning and Permitting Office did on zoning. It was well attended, and he wanted to thank staff for their efforts.

Councilor Milks reported on the Ad hoc Committee on Lake Auburn went well and everyone appears to be on same page and want to accomplish the same things. Another meeting is coming up at the end of August.

City Manager Crowell reported on our new podcast called Absolutely Auburn and he encouraged people to listen.

IX. Executive Sessions - Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

Motion was made by Councilor Walker and seconded by Councilor Morin to enter into executive session.

Passage 7-0. Time in 8:17 pm.

Council was declared out of executive session at 8:33 pm.

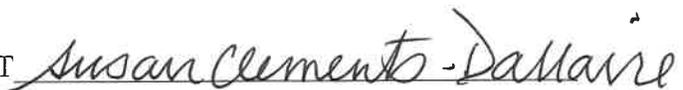
X. Adjournment

Motion was made by Councilor Milks seconded by Councilor Walker to adjourn.

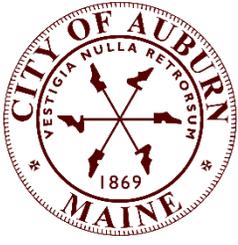
Unanimously approved and the meeting adjourned at 8:33 pm.

A TRUE COPY

ATTEST



Susan Clements-Dallaire, City Clerk



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: August 21, 2023

Order: 110-08212023

Author: Phil Crowell, City Manager

Subject: Aquatic Center

Information:

On August 7, 2023, the mayor proposed the city council to direct the city manager develop an aquatic center report to include the costs for the building of a center, funding sources, private partnerships, and location possibilities. The city manager will coordinate with the Recreation Committee to review the information and submit the report to the city council at the October 16, 2023, council workshop.

City Budgetary Impacts: None

Staff Recommended Action: None

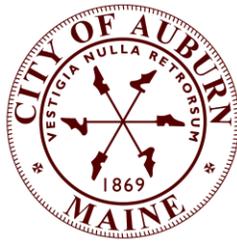
Previous Meetings and History: August 7, 2023 council meeting

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments:



ORDER 110-08212023

City Council Order

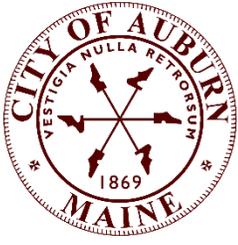
IN CITY COUNCIL

Ordered, that the City Council hereby directs City Manager to provide a report to the city council on October 16, 2023 to build an aquatic center which will include the cost, funding sources, locations, and partnerships.

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

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

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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: August 21, 2023

Order: 111-08212023

Author: Councilor Leroy Walker and Councilor Dana Staples

Subject: ARPA funding allocation to Safe Voices Sexual Assault Crisis Center

Information: Safe Voices Sexual Assault Crisis Center is requesting the City of Auburn allocate \$250,000 from their American Rescue Plan Act (ARPA) funds to bridge the fundraising gap for their planned renovations at 100 Lisbon Street, Lewiston, facility. The gap occurred between Safe Voices fundraising efforts and the rapid inflationary costs incurred through the Covid-19 pandemic.

The facility will be transitioned to a comprehensive resource center in Androscoggin County and will include the existing advocacy offices with renovations to include a survivor-centric program hub with a community kitchen, prayer and lactation room, and survivor work-stations for clients who need to use a secure computer to print evidence, establish a bank account, or use a private email away from their abuser.

The lower level will include a Free Boutique where survivors may access household and personal care items like furniture, linens, dishes, etc. to furnish new homes. It will also include a Training Center for both internal trainings among staff as well as trainings and workshops offered to community partners.

City Budgetary Impacts: None

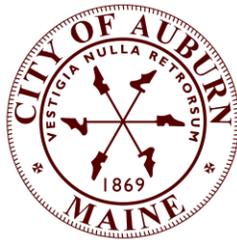
Staff Recommended Action: Allocate \$50,000.00 to Safe Voices for their renovation project.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:



ORDER 111-08212023

City Council Order

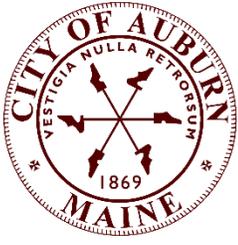
IN CITY COUNCIL

ORDERED, that the City of Auburn City Council hereby approves the allocation of \$50,000.00 from the American Rescue Plan Act (ARPA) funding to the Safe Voices Sexual Assault Crisis Center to support the renovation costs for their comprehensive resource center located at 100 Lisbon Street in Lewiston.

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

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

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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: August 21, 2023

Order: 112-08212023

Author: Councilor Leroy Walker and Councilor Dana Staples

Subject: ARPA funding allocation to Boys & Girls Club of Southern Maine – Auburn Clubhouse

Information: The Boys & Girls Club of Southern Maine – Auburn Clubhouse is requesting the City of Auburn allocate \$10,000.00 from their American Rescue Plan Act (ARPA) funds to be the “Presenting Sponsor” for the “Fall for the Kids” fundraising event. An additional \$10,000 is being suggested by Councilor Walker for other programming needs.

Funds will provide children and teens with a safe place after school and during the summers by providing fresh meals and engaging programs.

City Budgetary Impacts: None

Staff Recommended Action: Allocate \$10,000.00 to Boys & Girls Club of Southern Maine – Auburn Clubhouse as the “Presenting Sponsor” for the “Fall for the Kids” fundraising event and an additional \$10,000 for programming out of the Auburn clubhouse.

Previous Meetings and History: None

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:

- Fall for the Kids flyer – includes sponsor levels.



BOYS & GIRLS CLUBS
OF SOUTHERN MAINE

Fall FOR THE Kids

Fundraiser for
BGCSM's Auburn & Lewiston Clubs

FRIDAY, OCTOBER 20
5:00-8:00

AUBURN CLUB
43 2nd Street, Auburn





Fall FOR THE Kids

About

The inaugural Fall for the Kids celebration will raise funds for the youth of Lewiston and Auburn. Since 1995, the Auburn Clubhouse has provided children and teens in the Twin Cities with a safe place after school and during the summers, fresh meals, and engaging programs. The BGCSM Lewiston teen center, launched in 2022, offers programming to middle and high schoolers to help them graduate on time with a plan for their future.

Join us Friday, October 20th, for an evening dedicated to the children and teens of Lewiston and Auburn. We are excited to have our supporters together to enjoy cocktails, networking, dinner, and a program from our Club leaders and members.

Details

BGCSM Auburn Clubhouse

43 2nd Street
Auburn, Maine 04210

Friday, October 20 | 5:00-8:00 PM

Cocktail Hour

Dinner

Program and Celebration

Host Committee Table \$1,000

Host Committee Ticket \$200

Tickets \$100



Fall FOR THE Kids

SPONSOR LEVELS

\$10,000 PRESENTING SPONSOR

- "Presented by" recognition on event webpage, invitation, program, social media, and additional event communication
- Premier recognition during the event
- Logo prominently displayed in event slideshow
- Full-page ad inside front cover of program book
- Senior Executive recognized on Host Committee
- Option for a custom volunteer event for your group at the Club
- Option for two tables at the event

\$5,000 PLATINUM SPONSOR

- Logo displayed on event webpage, program, social media, and additional event communication
- Recognition during the event
- Logo displayed in event slideshow
- Half-page ad in program book
- Option for a custom volunteer event for your group at the Club
- Option for one table at the event

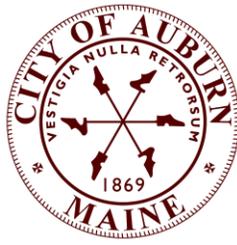
\$2,500 GOLD SPONSOR

- Logo displayed on event webpage, program, social media, and additional event communication
- Logo in event slideshow
- Option for one table at the event

\$1,000 SILVER SPONSOR

- Name recognition on event webpage, program, social media, and additional event communication
- Name in event slideshow
- Option for one table at the event

We are excited to work with our supporters to develop custom sponsorship opportunities that fit your interests. Annual event sponsorships for recognition at all of Boys & Girls Clubs of Southern Maine Events are also available. Please contact Deirdre Clifford at dclifford@bgcmaine.org to learn more.



ORDER 112-08212023

City Council Order

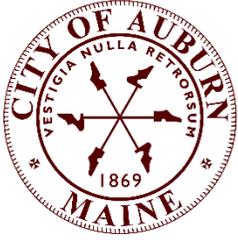
IN CITY COUNCIL

ORDERED, that the City of Auburn City Council hereby approves the allocation of \$20,000.00 from the American Rescue Plan Act (ARPA) funds to the Boys & Girls Club of Southern Maine – Auburn Clubhouse with \$10,000 to be the “Presenting Sponsor” for the “Fall for the Kids” fundraising event and an additional \$10,000 for additional Auburn programming.

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

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

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



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: August 21, 2023

Subject: Executive Session

Information: Personnel matter (City Manager evaluation), pursuant to 1 M.R.S.A. Section 405(6)(A).

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.