



**City Council Workshop & Meeting
Agenda
November 7, 2022
Auburn Hall, Council Chambers**

5:30 P.M. City Council Workshop

- A. Annual Community Development Survey – Glen Holmes
- B. Neighborhood Corner Store Program – Glen Holmes
- C. Executive session to discuss real estate negotiations which premature disclosure of the information would prejudice the competitive or bargaining position of the city, pursuant to 1 M.R.S.A. §405(6)(C).
- D. Executive session to a personnel matter, pursuant to 1 M.R.S.A. §405(6)(A).

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

Pledge of Allegiance

- I. **Consent Items** – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.
 - 1. **Order 145-11072022***
Accepting the transfer of \$7,523 and a Smith & Wesson .38 caliber revolver to Auburn Police Department (Unified Criminal Court Docket No. CR-22-1525).
 - 2. **Order 146-11072022***
Appointing Planning Board members, Toni Ferraro, Brian DuBois, and Paul Jacques to the Mayor's Ad Hoc Committee to develop permit ready housing as nominated by the Planning Board.
 - 3. **Order 147-11072022***
Appointing Warden's and Ward Clerks for the November 8, 2022 Election
- II. **Minutes** – October 17, 2022, Regular Council Meeting
- III. **Communications, Presentations and Recognitions**

- Proclamation and Recognition – Extra Mile Day
- Update on MSHA Community Solutions Grant Award and Final Program Overview – Glen Holmes
- 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

4. Ordinance 20-09062022

Amending the zoning district T-4.2B. Second reading.

VI. New Business

1. Order 148-11072022

Authorizing the allocation of Two Hundred Fifteen Thousand Dollars (\$215,000) of ARPA Funds to create the Downtown Curb Appeal Grant Program.

2. Order 149-11072022

Approving the MSEA Labor Contract.

3. Order 150-11072022

Allocating up to \$50,000 from the American rescue Plan Act (ARPA) funds to purchase two trailers as part of the Community Outreach and Community Beautification Trailor Program.

4. Order 151-11072022

Directing the Planning Board to provide a recommendation on a text amendment whether to eliminate the income standard and the current strip zoning limitations in all areas outside of the Lake Auburn Watershed overlay.

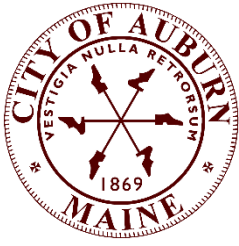
VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports (from sub-committees to Council)

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

IX. Executive Sessions - None

X. Adjournment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 7, 2022

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

Subject: Community Development Annual Survey

Information:

The Community Development office releases an annual community survey each year to gather data and solicit input to inform the development of the city's Annual Action Plan as is prescribed in detail within the city's Citizen Participation Plan. This survey will be released in early December and circulate through February 2023.

This process includes both web-based as well as written surveys which are published in five languages and distributed in public locations including municipal buildings, food pantries, daycare centers, senior housing facilities and through the PAL center.

The previous year survey, which was focused on the impact of Covid-19, had 362 total respondents covering over 1,000 individual residents. As this survey process is refined and circulation time extended the Community Development office expects to, at a minimum, double the number of the respondents.

City Budgetary Impacts:

n/a

Staff Recommended Action:

Receive input and suggestions from the City Council on the data collected through this process.

Previous Meetings and History:

n/a

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

DRAFT 2022 Community Development Survey

Auburn Community Development Survey

The Auburn Community Development Office is seeking YOUR input in the development of programs and services. Data derived from this survey will be used to influence programs and services offered in part by the City of Auburn as well as through non-profit service providers. **Please complete one per Household.**

Demographic Information

Are you an Auburn Resident: ? ☐ Yes ☐ No

Is anyone not in your direct household currently living with you? ☐ Yes ☐ No

Housing Type:

☐ Unhoused ☐ Rental ☐ Homeowner

Please detail Household size:

Total Occupants:

of Seniors (62+):

of Adults 18-61:

of Children 7-17:

of Children under 6y:

Total # of Bedrooms:

Gross Household

Income:

Race & Ethnicity: Number of all members: **Race** **Hispanic**

White		
Black/African American		
Asian		
American Indian/Alaskan Native		
Native Hawaiian/Other Pacific Islander		
American Indian/Alaskan Native & White		
Asian & White		
Black/African American & White		
American Indian/Alaskan Native & Black/African American		
Other Multi-Racial		

(include all wages, benefits, Child support, etc. for all adults)

What is the highest level of education in the household?	<input type="checkbox"/> Less than High School <input type="checkbox"/> High Diploma or GED <input type="checkbox"/> Associate Degree <input type="checkbox"/> Bachelor's Degree <input type="checkbox"/> Master's Degree <input type="checkbox"/> More than Master's Degree
Is any member of your household under or unemployed? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If under/unemployed, what are the barriers to employment?	<input type="checkbox"/> No barriers <input type="checkbox"/> Childcare <input type="checkbox"/> Transportation <input type="checkbox"/> Disability <input type="checkbox"/> Language skills <input type="checkbox"/> Skills in applying for a job <input type="checkbox"/> Computer Skills <input type="checkbox"/> Lack of education <input type="checkbox"/> Other: _____

Neighborhood & Housing

What neighborhood do you live in?	<input type="checkbox"/> Downtown <input type="checkbox"/> Union St <input type="checkbox"/> New Auburn <input type="checkbox"/> North Auburn <input type="checkbox"/> West Auburn <input type="checkbox"/> Greater Washington Ave <input type="checkbox"/> Unknown
What type of neighborhood do you live in?	<input type="checkbox"/> Rural <input type="checkbox"/> Urban <input type="checkbox"/> Suburban
In the past year, have you or a member of your household experienced homelessness? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If not housed, what is your current housing situation?	<input type="checkbox"/> living temporarily with someone else (i.e. couch surfing) <input type="checkbox"/> living in a vehicle <input type="checkbox"/> living in a temporary shelter such as a tent <input type="checkbox"/> living with no shelter <input type="checkbox"/> other: _____
If housed, how much of your monthly income goes towards rent & utilities? <input type="checkbox"/> ≤30% <input type="checkbox"/> 30-50% <input type="checkbox"/> 51+% 	
If housed, does your home fit your housing need? <input type="checkbox"/> No, too small <input type="checkbox"/> Yes <input type="checkbox"/> No, too large 	
Does your home have any of the following characteristics?	<input type="checkbox"/> Unable to lock all windows & doors <input type="checkbox"/> Poor air quality <input type="checkbox"/> Lead Paint Hazards <input type="checkbox"/> Cold & drafty <input type="checkbox"/> Cluttered or unsanitary <input type="checkbox"/> Rodents or infestations <input type="checkbox"/> Roof leaks or wet basement <input type="checkbox"/> other: _____

Please rate Auburn on each of the following characteristics:			
As a place to live:	<input type="checkbox"/> poor	<input type="checkbox"/> fair	<input type="checkbox"/> excellent
As a place to work:	<input type="checkbox"/> poor	<input type="checkbox"/> fair	<input type="checkbox"/> excellent
As a place to shop:	<input type="checkbox"/> poor	<input type="checkbox"/> fair	<input type="checkbox"/> excellent
As a place for entertainment:	<input type="checkbox"/> poor	<input type="checkbox"/> fair	<input type="checkbox"/> excellent
As a place for recreation:	<input type="checkbox"/> poor	<input type="checkbox"/> fair	<input type="checkbox"/> excellent
As a place people like to visit:	<input type="checkbox"/> poor	<input type="checkbox"/> fair	<input type="checkbox"/> excellent
As a place to raise children:	<input type="checkbox"/> poor	<input type="checkbox"/> fair	<input type="checkbox"/> excellent
Does your neighborhood have any of these conditions?	<input type="checkbox"/> Commercial properties <input type="checkbox"/> Deserted buildings <input type="checkbox"/> Litter <input type="checkbox"/> River areas <input type="checkbox"/> Run down houses <input type="checkbox"/> Shopping <input type="checkbox"/> Street trees <input type="checkbox"/> Vacant lots <input type="checkbox"/> Well-kept houses <input type="checkbox"/> Yards <input type="checkbox"/> Sidewalks <input type="checkbox"/> Street lights <input type="checkbox"/> Other: _____		

Essential Needs and Services

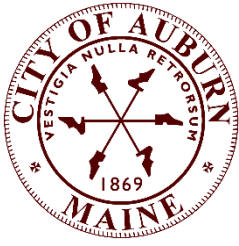
Compared to last year, how has your financial situation changed?	<input type="checkbox"/> Better Off <input type="checkbox"/> Worse Off <input type="checkbox"/> No change
In the last six months, has your household struggled with not having enough food to eat?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, how often has your household struggled with food insecurity?	<input type="checkbox"/> More Than Weekly <input type="checkbox"/> Weekly <input type="checkbox"/> Monthly <input type="checkbox"/> Less than Monthly
Does your household have adequate access to schooling and education?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does your household have adequate and reliable access to the internet?	<input type="checkbox"/> Yes <input type="checkbox"/> No
In the past six months, have you worried about how you were going to pay for medication or medical expenses for yourself or a member of your household?	<input type="checkbox"/> Yes <input type="checkbox"/> No
In the past six months, have you worried about how you were going to pay utility bills?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Please check 3 Services that you believe the city should focus on.	<input type="checkbox"/> Senior <input type="checkbox"/> Youth <input type="checkbox"/> Homelessness <input type="checkbox"/> Neighborhood Cleanups <input type="checkbox"/> Battered & abused spouses <input type="checkbox"/> Food Banks <input type="checkbox"/> Childcare <input type="checkbox"/> Community Gardens <input type="checkbox"/> Public Transportation <input type="checkbox"/> Substance abuse <input type="checkbox"/> Employment Training

Transportation

Does your household have adequate and reliable transportation?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you used public transportation in the past six months?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, for what purpose?	<input type="checkbox"/> Work <input type="checkbox"/> Shopping <input type="checkbox"/> Medical appointment <input type="checkbox"/> Other: _____
Do you walk in your neighborhood?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If not, what keeps you from walking?	<input type="checkbox"/> Lack of sidewalks <input type="checkbox"/> Distance to destination <input type="checkbox"/> Snow/Ice on sidewalks <input type="checkbox"/> Difficult crossing roads <input type="checkbox"/> Not accessible to wheelchairs/strollers <input type="checkbox"/> Safety Concerns

City Priorities

Please check 3 priorities that you believe the city should focus on.	<input type="checkbox"/> Affordable Housing <input type="checkbox"/> Senior housing <input type="checkbox"/> Housing Rehab <input type="checkbox"/> Rental assistance <input type="checkbox"/> Public Services <input type="checkbox"/> Parks & trail facilities <input type="checkbox"/> Public Transportation <input type="checkbox"/> Food assistance <input type="checkbox"/> Economic opportunities <input type="checkbox"/> Other: _____
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City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: November 7, 2022,

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

Subject: Neighborhood Corner Store Program

Information:

The City of Auburn is seeking funds from the American Rescue Plan Act (ARPA) to support the establishment or expansion of essential corner stores which derive most of their revenues from the sale of food and groceries. This forgivable loan program aligns with the city's strategic goal of enhancing access to healthy food choices, while creating healthy neighborhoods within the urban core.

City Budgetary Impacts:

This program will not impact the Cities Budget as The Office of Business & Community Development is seeking \$150,000 in ARPA funds to administer the program.

Staff Recommended Action:

Discussion and feedback.

Previous Meetings and History:

City Council Meeting October 3, 2022, during Communications and Presentations, Mayor Leveque proposed action for staff to work from.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments:

Neighborhood Corner Store Program Overview

Neighborhood Corner Store Program Overview

Purpose

The purpose of the Neighborhood Corner Store program is to support the establishment or expansion of essential corner stores which derive most of their revenues from the sale of food and groceries. This initiative aligns with goals established within the city Comprehensive Plan which aim to “ensure that fresh, local food is equitably accessible to everyone regardless of income or geography” (Objective K.1.1) by “supporting practices that facilitate access to healthy food in residential settings” (Objective K.1.3).

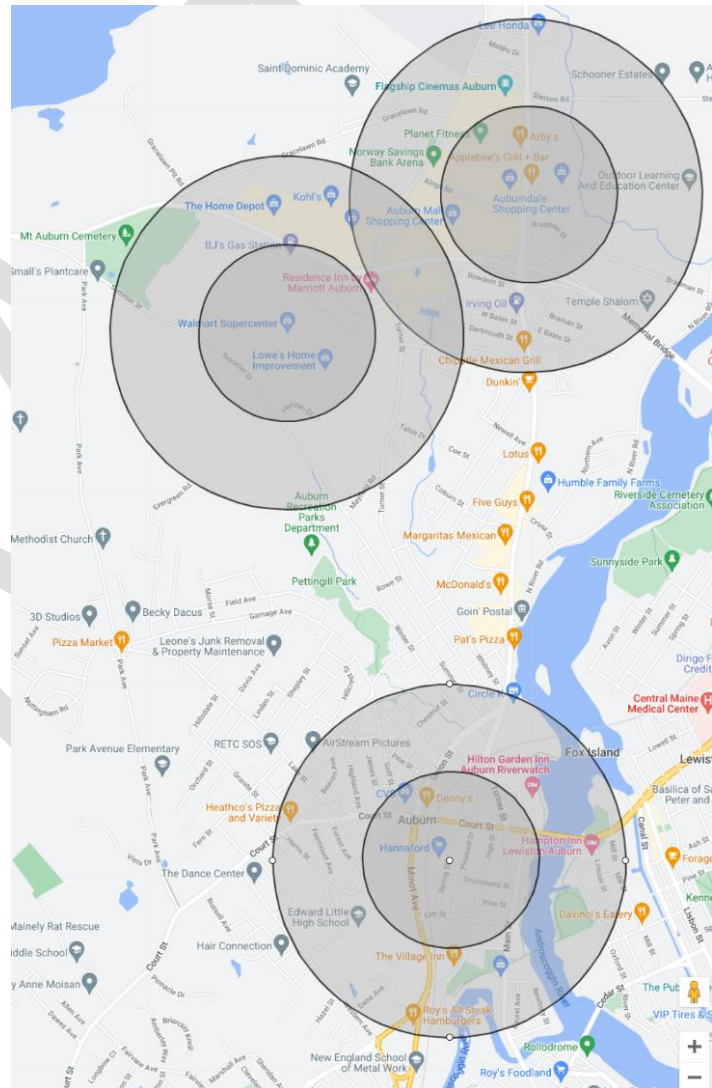
Funding

The City of Auburn may allocate \$150,000 from the City ARPA funds for this program to provide funds to a minimum of 4 businesses. Maximum assistance is \$35,000 per location for approved expenses.

All proposals will provide a detailed budget and explain how this expansion or construction will provide a net increase in healthy food options to their neighborhood. Financial assistance will only be available to those projects meeting eligibility requirements and preference will be given to projects that can be completed in a timely manner and make the most quantifiable impact on the local market.

Eligibility

Maine based food retailers (e.g. grocery stores, large convenience stores, cooperatives, etc.) which derive 50+% of their sales from food and groceries are eligible for financial assistance. The funds can be used to upgrade store infrastructure necessary to improve the selection of healthy food offerings or facilitate access to grocery retailers. Only projects not within (1/2 mile or 1/4 mile) of a regional or national chain, are eligible.





City of Auburn, Maine

Business & Community Development

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

Eligible requests may include:

- **Funding for equipment and stock improvements for SNAP and/or WIC (Women, Infant, Children) eligible inventories**
 - For both new and existing retailers, improvements should enhance the ability of retailers to offer high quality produce and other healthy foods and serve a broader clientele. This could include the purchase of a refrigeration unit for produce at the front of the store. Marketing and merchandizing assistance should focus on the provision of healthy products or de-emphasis on unhealthy products.
 - For new retailers, funding can be requested for capital start-up costs, which include equipment and other retail infrastructure. Funding for marketing/merchandizing assistance can also be requested.
- **Funding for a grocery store shuttle program**
 - Funds could be used by a full-service supermarket or organization partnering with a full-service supermarket to provide low or no-cost transportation between established grocery retailers and priority neighborhoods. Projects could include a general community outreach plan that involves contacting community leaders in priority neighborhoods and details of frequency and timing of service.

The City will accept and consider applications on a rolling basis, based on the availability of funds.

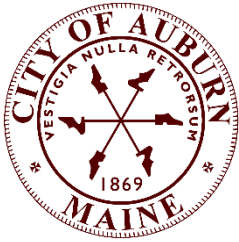
In order to be eligible to receive funds, all property taxes, real and personal, owed on the property that is the subject of the application must be current at the time the application is made. Any property on which there is past due balance for such taxes will be removed from consideration.

Corner Store Accelerator

Sources and Uses	Unit Price	Quantity	Budget
-	-	-	-
Total Sources=			\$150,000
Auburn Funds (ARPA)			\$150,000
Total Uses=			\$150,000
Program Administration (1 year)			\$8,000
Forgivable Loans	\$35,000.00	4	\$140,000
Marketing and supplies			\$2,000

Marketing

The City of Auburn will utilize funds to educate local neighborhoods of existing and increased access to local, healthy food options directly or through a local organization which specializes in furthering food security and access goals.



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: November 7, 2022

Subject: Executive Session

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

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

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

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

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

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

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

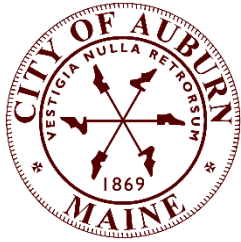
D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both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

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

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

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

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



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: November 7, 2022

Subject: Executive Session

Information: Personnel matter, 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;

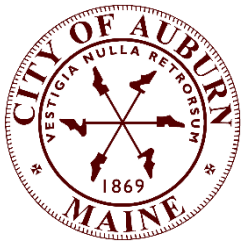
D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both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



**City of Auburn
City Council Information Sheet**

Council Meeting Date: November 7, 2022

Order: 145-11072022

Author: Jason D. Moen, Chief of Police

Subject: Transfer of Forfeiture Assets – Derek B. Dube

Information:

In July of 2022, Auburn Police Department Sergeant Nicholas Gagnon conducted a traffic stop in which Derek B. Dube was a passenger. Sgt. Gagnon Arrested Dube on an outstanding arrest warrant. While conducting a search incident to the arrest, Sgt. Gagnon found Dube in possession of 43 grams of fentanyl, \$7,523 in cash and a loaded Smith & Wesson .38 caliber revolver (serial # 13-48018). Dube is a convicted felon for offenses including aggravated assault and domestic violence assault. Dube was ultimately charged with aggravated trafficking of scheduled drugs Class A, unlawful possession of fentanyl powder Class C, violating conditions of release Class C, and illegal possession of a firearm Class C.

City Budgetary Impacts: The State of Maine, Office of the Attorney General, seeks to transfer \$7,523 Currency and a Smith & Wesson .38 caliber revolver to the Auburn Police Department. Funds will be used for ongoing K-9 expenses.

Staff Recommended Action: Vote to accept the transfer of \$7,523 and a Smith & Wesson .38 caliber revolver.

Previous Meetings and History: None

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments:

*None



Auburn Police Department

Jason D. Moen | Chief of Police

Timothy A. Cogle | Deputy Chief of Police

www.AuburnMaine.gov | 207.333.6650

60 Court Street | Auburn, Maine 04210

MEMORANDUM

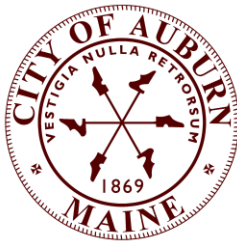
Date: October 19, 2022

To: Chief Jason Moen

From: Lieutenant Anthony Harrington

RE: CITY COUNCIL TRANSFER OF FORFEITURE ASSET – ERIN LOVELY

In July of 2022, Auburn Police Department Sergeant Nicholas Gagnon conducted a traffic stop in which Derek B. Dube was a passenger. Sgt. Gagnon Arrested Dube on an outstanding arrest warrant. While conducting a search incident to the arrest, Sgt. Gagnon found Dube in possession of 43 grams of fentanyl, \$7,523 in cash and a loaded Smith & Wesson .38 caliber revolver (serial # 13-48018). Dube is a convicted felon for offenses including aggravated assault and domestic violence assault. Dube was ultimately charged with aggravated trafficking of scheduled drugs Class A, unlawful possession of fentanyl powder Class C, violating conditions of release Class C, and illegal possession of a firearm Class C.



ORDER 145-11072022

City Council Order

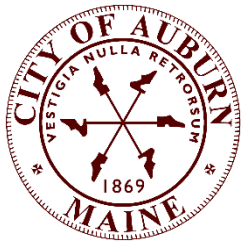
IN CITY COUNCIL

ORDERED, that the City Council hereby accepts the transfer of \$7,523 and a Smith & Wesson .38 caliber revolver to Auburn Police Department (Unified Criminal Court Docket No. CR-22-1525).

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: November 7, 2022

Order: 146-11072022

Author: Sue Clements-Dallaire, City Clerk

Subject: Confirming the Appointments to the Mayor's Ad Hoc Committee to develop permit ready housing as recommended by the Planning Board

The Planning Board recommended and voted on the following 3 individuals to serve on the Mayor's Ad Hoc Committee to develop permit ready housing. Toni Ferraro, Brian DuBois, and Paul Jacques.

City Budgetary Impacts: None

Staff Recommended Action: Motion to confirm the appointments to serve on the Committee.

Previous Meetings and History: September 6, 2022, October 17, 2022

City Manager Comments:

I concur with the recommendation. Signature:



Attachments: Applications, Orders



ORDER 146-11072022

City Council Order

IN CITY COUNCIL

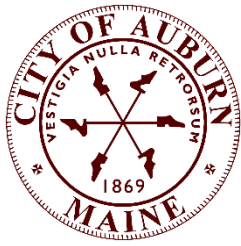
ORDERED, that the City Council hereby confirms the following appointments to the Mayor's Ad Hoc Committee to Develop Permit Ready Housing as recommended and voted on by the Planning Board:

Toni Ferraro
Brian DuBois
Paul Jacques

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: November 7, 2022

Order: 147-11072022

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointing Wardens and Ward Clerks for the November 8, 2022 Election.

Information:

Warden and Ward Clerk Appointments are normally made every two years, however, there have been vacancies and challenges filling these positions. The City Clerk has nominated the individuals below to fill the Warden and Ward Clerk vacancies for the November 8, 2022 Election.

Audrey Murphy - Warden
Christine Sirois – Ward Clerk
Robert Hayes – Warden
Carl Young – Ward Clerk
Miles Smith – Warden
Laura Shaw – Ward Clerk
Doreen Jordan – Warden
Stephen Martelli – Ward Clerk

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Appointments are made every two years or when there is a vacancy.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: Order



ORDER 147-11072022

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints the following to serve as Wardens & Ward Clerks for the November 8, 2022 Election.

Audrey Murphy - Warden
Christine Sirois – Ward Clerk
Robert Hayes – Warden
Carl Young – Ward Clerk
Miles Smith – Warden
Laura Shaw – Ward Clerk
Doreen Jordan – Warden
Stephen Martelli – Ward Clerk

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

IN COUNCIL REGULAR MEETING OCTOBER 17, 2022, VOL. 36 PAGE 304

Mayor Levesque called the meeting to order at 7:02 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

Pledge of Allegiance

I. Consent Items - All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda

1. Order 136-10172022*

Confirming Mayor Levesque's appointment of Tara Paradie as alternate member of the Ethics Panel with a term expiration of 11/1/2025.

2. Order 137-10172022*

Re-appointing Misty Edgecomb to the Parks & Recreation Advisory Board with a term expiration of 10/01/2024.

3. Order 138-10172022*

Re-appointing Haley Warden to the Parks & Recreation Advisory Board with a term expiration of 10/01/2024.

4. Order 139-10172022*

Re-appointing Ronald Spofford to the Auburn Housing Authority Board of Trustees with a term expiration of 10/01/2027.

5. Order 140-10172022*

Appointing Wesley Mech to the Complete Streets Committee with a term expiration of 01/01/2025.

6. Order 141-10172022*

Confirming the Mayor's appointments to the Ad Hoc Committee to develop permit ready housing.

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

Councilor Whiting requested that item #1, Order 136-10172022 be moved from the consent agenda and under new business.

Passage of the remaining 5 consent items, 7-0.

II. Minutes – October 3, 2022 Regular Council Meeting

Motion was made by Councilor Staples and seconded by Councilor Milks to approve the minutes of the October 3, 2022 Regular Council meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Assessor's Report (Karen Scammon and Joe St. Peter)
- Council Communications (about and to the community)

Councilor Staples reported that he has heard from a constituent that received their absentee ballot and was confused about the proposed charter changes.

Councilor Walker reported that the United New Auburn Association will be holding a meeting on Tuesday, October 25th at 6:00 pm to discuss the Halloween event, he invited the public to attend. The Neighborhood Watch Group will be meeting on October 27th at the Sixth Street Congregational Church, the United New Auburn Association will be holding a bean dinner on October 29th, October 30th is the Halloween event from 1:00-3:00 pm at Anniversary Park, and the Age Friendly Committee will be holding a Thanksgiving dinner on November 24th.

City Manager Crowell reported that the Council Retreat date is November 14th from 5:00 pm to 8:30 pm, location to be determined. He talked about the Election Hub that is on our website. LATC voted to waive the bus fees on election day.

He reported on communications – we are pushing out crime stats, planning and permitting is pushing out information, and data is being shared consistently.

Mayor Levesque addressed the nationwide housing crisis which is impacting our community. He wanted the public to know that we are working on this, and city staff has put together a proposal on short term housing. We are working with our partners collaboratively to take action with a goal to roll this out by January 2023.

IV. Open Session

Pam Rousseau, 745 West Auburn Road, thanked Councilor Staples for his suggestion on providing information on the local ballot questions, she commented on the watershed and asked how much land can be cleared, it doesn't make sense to her to allow bed and breakfasts, and she would like it to be more restrictive. She mentioned that she attended the planning board meeting where they discussed getting rid of the income requirement for the AG zone with no safeguards, we have to think about PFAS/forever chemicals and she asked that the Council be very mindful.

Maureen O'Brien, 42 Winter Street commented on statements she said were made by the Mayor that were published in the newspaper on Sunday regarding families moving into neighborhoods.

V. Unfinished Business

1. Ordinance 22-10032022

IN COUNCIL REGULAR MEETING OCTOBER 17, 2022, VOL. 36 PAGE 306

Amending Chapter 14, Sec. 14-49, Exemptions from license requirement or fees. of the City Code. Second reading.

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

Public comment – No one from the public spoke.

Passage 7-0. A roll call vote was taken.

2. Ordinance 23-10032022

Adopting the Street Tree Sustainability Ordinance. Second reading.

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

Public comment - No one from the public spoke.

Passage 7-0. A roll call vote was taken.

VI. New Business

Order 136-10172022*

Confirming Mayor Levesque's appointment of Tara Paradie as alternate member of the Ethics Panel with a term expiration of 11/1/2025.

This item was taken from the Consent Agenda.

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

Passage 7-0.

1. Order 142-10172022

Allocating \$200,000.00 ARPA funding for the Sustainable Auburn Match Program.

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

Public comment - No one from the public spoke.

Passage 7-0.

2. Order 143-10172022

Authorizing the marketing of city owned property located at 1865 Hotel Road, parcel ID 187-005.

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

Public comment - No one from the public spoke.

Passage 6-1 (Councilor Gerry opposed).

3. Order 144-10172022

Authorizing the marketing of city owned property located at 145 Eastman Lane, parcel ID 079-004.

IN COUNCIL REGULAR MEETING OCTOBER 17, 2022, VOL. 36 PAGE 307

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

Public comment - No one from the public spoke.

Passage 6-1 (Councilor Gerry opposed).

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

VIII. Reports (from sub-committees to Council)

Mayor Levesque reported on the School Committee meeting.

Councilor Staples provided an update on the LATC meeting, and he reminded everyone that there will be free bus trips on election day. He noted that the Conservation Committee will be meeting tomorrow night and Complete Streets Committee will be meeting on Wednesday of this week. There is also a presentation on Wednesday for the T-4.2B.

Councilor Walker spoke about the potatoes that are being given to senior citizens at no cost. Anyone in need can go to the Senior Center on Wednesday to pick up a 5 pound bag.

Councilor Milks announced that the Water and Sewer District meetings are scheduled for this week at 4:00 pm on Tuesday (Sewer) and Wednesday (Water) of this week.

Councilor Whiting reported that the Auburn Nordic Ski Association will be working on Saturday, October 29th to trim the ski trails.

Jill Eastman, Finance Director – September Finance Report

Motion was made by Councilor Morin and seconded by Councilor Whiting to accept and place on file the September Final Finance Report.

Passage 7-0.

X. Executive Session – None.

XI. Adjournment – Motion was made by Councilor Milks and seconded by Councilor Walker to adjourn. Unanimously approved and the meeting adjourned at 7:56 pm.

A TRUE COPY

ATTEST



Susan Clements-Dallaire, City Clerk

OFFICE OF THE MAYOR | CITY OF AUBURN, MAINE



PROCLAMATION | **EXTRA MILE DAY**

WHEREAS, the City of Auburn, Maine sees the real and lasting benefits when its citizens “go the extra mile” in personal effort, volunteerism, and service; and

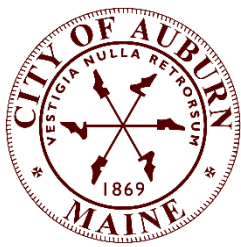
WHEREAS, Auburn is a community which encourages its citizens to give of themselves wholeheartedly and with total effort, commitment, and conviction to their family, friends, causes, and community; and

WHEREAS, Auburn is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” to make a difference and lift others up;

NOW THEREFORE, I Jason Levesque, Mayor of the City of Auburn, do hereby proclaim November 7, 2022, to be **Extra Mile Day**. I urge everyone in our community to take time on this day - and in the days and weeks to come - to not only “go the extra mile” in his or her own life, but to also acknowledge those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Auburn, Maine to be fixed this 7th day of November 2022

Mayor Jason Levesque



City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: November 7, 2022

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

Subject: Accessory Dwelling Unit Development (ADUD) Program

Information:

The City of Auburn received confirmation from the Maine State Housing Authority (MSHA) of an award of \$250,000 from their Community Solutions Grant Program to match the cities funding to implement a new housing initiative designed to help residents overcome the financial barrier of creating new rental units. This forgivable loan program is designed to rapidly enhance the creation of privately built secondary or accessory dwelling unit (ADU) housing where appropriate zoning and municipal infrastructure is accessible.

City Budgetary Impacts:

None

Staff Recommended Action:

n/a

Previous Meetings and History:

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

9/6/2022 Council approved program guidelines.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments:

MSHA Approval Letter

Accessory Dwelling Unit Development (ADUD) Program Summary

October 27 2022

Mr. Glen E. Holmes
Director of Business & Community Development
City of Auburn
60 Court Street
Auburn, ME 04210

RE: City of Auburn 2022 Community Solutions Grant Application

Dear Mr. Holmes:

Thank you for submitting an application to MaineHousing's 2022 Community Solutions Grant.

After review of your application, I am happy to inform you that MaineHousing is making available to the City of Auburn \$250,000 requested from the Community Solutions Grant to support Auburn's Accessory Dwelling Unit Development (ADUD) Program.

Regarding next steps, a grant agreement needs to be drafted and signed. To begin the process please contact:

Ashley Janotta
Counsel
207.624.5728
ajanotta@mainehousing.org

Again, congratulations and we look forward to working with the City of Auburn on this project.

Sincerely,



Daniel E. Brennan
Director



City of Auburn, Maine

Business & Community Development

Glen Holmes, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

October 25, 2022

Accessory Dwelling Unit Development (ADUD) Program

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

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

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

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

Local Needs Assessment: Auburn Housing Authority provided data on the Housing Choice Voucher centralized waitlist. This data quantifies 454 current applicants. 411 applicants currently

qualify under 60% AMI with 121 applicants residing in “temporary residences”, 26 being housed in a shelter or hotel and 33 reporting that they are currently “living in a place not normally used for housing.” Lastly, 57 of the current waitlist applicants are households of 3 or more.

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

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

Financial components: This program will provide a forgivable loan up to 15% of actual construction costs of a property which adds a new accessory dwelling unit. This construction will be verified by the Business & Community Development Department, Assessing & Code Enforcement. All work must take place after an approved and separate scope of work and budget. A closing for a forgivable loan will be executed and approved funds will be held in a city managed escrow account. Contractors will be paid *pari passu* to matching funds and other programs funds which may be included. All projects will be properly permitted and approved by the city Code Enforcement Office and must receive an occupancy permit within 6 months.

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

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

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

As indicated in the Sources & Uses table below, the city intends to match MSHA funds with ARPA funds to capitalize the forgivable loan pool. In-kind matching funds will be provided by the city's CDBG & HOME allocations to facilitate and monitor these units for the duration of the 5-year affordability period. Additional HOME funds will be utilized to provide security deposits to qualified tenants. Upon vacancy, these funds, unless used by the landlord to repair the unit, will be turned over to the qualified tenant.

Sources and Uses	PY2022
<u>Sources</u>	<u>Budget</u>
-	-
Total Sources=	\$525,000
Community Solutions Grant Loan Pool Funds (CSG)	\$250,000
Auburn Matching Loan Pool Funds (ARPA)	\$200,000
Auburn Admin (ARPA)	\$25,000
Program Delivery (Entitlement)	\$25,000
HOME Funded Security Deposits	\$25,000
Total Uses=	\$525,000
Program Administration (5 years)	\$25,000
Anticipated New Units	15
Max expense per unit	\$33,333
Per Unit Averages	
Forgivable Loan	\$30,000
City staff (App, Inspections & Monitoring)	\$1,667
HOME Funded Security Deposit	\$1,667
Average unit development cost	\$200,000
Private Funds Leveraged=	\$2,550,000.00

Accessory Dwelling Unit Development (ADUD) Program Guidelines

A. PROGRAM GOAL

The goal of the **Accessory Dwelling Unit Development (ADUD) Program** is to create new housing units by incentivizing infill and locally owned rental unit construction. These units are less costly to construct for state and local government and allows for more rapid creation of units by leveraging local contractors, private capital, and municipal infrastructure. This program is funded by American Rescue Plan Act (ARPA) as well as the Maine State Housing Authority (MSHA) Community Solutions Grant and is subject to all requirements set forth by the funders as well as the Community Development Program rules herein. This program utilizes income standards and Fair Market Rent (FMR) as published annually by the U.S. Department of Housing & Urban Development (HUD).

B. ELIGIBILITY CRITERIA

1. The property must be an owner-occupied, year-round residential property.
2. Property owners must qualify at or below 120% of the Area Median Income (AMI) based on the current year limits as established by HUD.
3. Owners must not be delinquent on any taxes or utilities.
4. Funds must be used to construct a new secondary or accessory dwelling on the property.
 - a. Unit of no more than 800sq.ft.
 - b. Unit must be newly constructed or create a net increase of livable space by converting previously non-occupied space.
 - c. Unit must be completed within 6 months of agreement.
 - d. Unit will be rented to income-qualified tenants (under 80% AMI for the current year as published by HUD) for a period of 5 years.
 - e. Rental unit will not exceed the lower of HUD's published Fair Market Rent (FMR), or 30% of tenant monthly income (including utilities) for a period of 5 years.

C. ASSISTANCE CATEGORIES AND TERMS

Loan Terms

- 1.) Maximum loan assistance is the lesser of \$30,000 or 15% of actual construction costs.
 - a) Fully amortized loan @ 2% APR for 1-year, deferred payments.

b) IF all conditions of the agreement are met this loan will be converted to a grant on the 5th anniversary of the rental unit's first occupancy.

2.) If the property is sold or transferred prior to the end of the affordability period, the principal balance of the loan(s) and any accrued interest or fees shall be immediately repaid.

Funding

All work must take place after an approved and separate scope of work and budget. A closing for a forgivable loan will be executed and approved funds will be held in a city managed escrow account. Contractors will be paid *pari passu* to matching private funds and other programs funds included within the approved budget and scope of work.

D. NATIONAL OBJECTIVES

Projects will be eligible under the American Rescue Plan Act (ARPA) as well as the Maine State Housing Authority (MSHA) Community Solutions Grant. The allocation of loan pool funds will be monitored and adhere to the current and future requirements set forth by these funding sources.

Income Qualification: Applicants will be required to provide source income if they are the occupant or tenant certifications of income. Applicants will be required to sign a Rent Regulatory Agreement to assure 5-year occupancy after project completion by a qualified tenant.

Affordable Housing: Renters will utilize the Tenant-Based Rental Assistance (TBRA) Security Deposit Program. This objective will meet income qualifications as well as lease terms as established by HUD.

E. PROGRAM QUALIFICATION ASSESMENT

The Community Development Office has responsibility for administration of the **Accessory Dwelling Unit Development (ADUD) Program**. Community Development verifies source documentation in accordance with program guidelines and presents the loan request to the Program Director for approval based on achieving the national objective in part D above and part G below.

F. PRIVATE FUNDS

Private Funds: When matching funds are required, the applicant will have the option of using cash or borrowed funds. Disbursement of funds will be *Pari Passu* to matching funds on a per-invoice basis. Verification of private fund payments will accompany each disbursement request.

G. LOAN CONSIDERATIONS

In approving or denying loan requests, the Community Development staff shall be guided by the following loan considerations:

- 1.) Underwriting
 - a) Construction costs reasonable and arms-length.
 - b) Credit - credit history and reputation.
 - c) Payment of taxes or acceptable arrangements.
 - d) Collateral - Collateral coverage must be adequate as determined by the Community Development Staff.
 - e) Security - other assets.
 - f) Commitment of matching funds.
- 2.) Assessment Private/Public Benefit

The Community Development staff will also consider the broader implications of private and public benefits.

H. NON-DISCRIMINATION

Administration of this program shall be in accordance with Title VI of the Civil Rights Act of 1964. No person shall, on the ground of race, color, national origin, be excluded from participation in, be denied the benefits of, or subjected to discrimination under this program.

I. APPLICATION PRIORITY

Applications shall be processed on a first-come, first-served basis. Community Development staff shall use the receipt date of a complete application (including all required source documentations) to establish the order of priority. The applicant will be notified if there is funding available to proceed with the project, if there is inadequate funding then the application may be placed on a waiting list.

J. AFFORDABLE RENT STANDARDS

- a. Rental units that are improved with Community Development funds shall be available and affordable to households qualified at or below 80% AMI.
- b. The applicant will be required to furnish rental information to enable Community Development staff to evaluate the impact of the project on rent levels. The applicant will submit the current amount of rental charges for all units in the housing project, utility types, who pays the utilities, and the names of tenants.
- c. A rent cap shall apply to assisted units. The maximum allowable rent shall be based on the lower of 30% the qualified tenant's income or Fair Market Rent (FMR) established by HUD and equal to the amount of rent and utility costs being paid by the tenant and reviewed annually.

- d. The period of affordability shall be for five years after the date of initial occupancy by a qualified renter.
- e. The borrower will sign a Rent Agreement stipulating rent limitations at loan closing.

K. DEFINITIONS

a. Fair Market Rent

An annually published rent level prescribed by the U.S. Office of Housing and Urban Development based on a specified number of bedrooms.

b. Household Income

- i. For the purpose of determining eligibility, Community Development staff will calculate income by estimating the annual income of a family or household by projecting the prevailing rate of income of each person at the time assistance is requested based on the IRS Form 1040 method as defined by the Office of Housing and Urban Development.
- ii. Income of all members of the household over the age of 18 years is considered for computing income. This may include wages, salaries, overtime, bonuses, fees, tips, commissions, interest and dividend income, self-employment income, net rental income, income from estates or trusts, child support, alimony, Social Security benefits, SSI retirement, survivor or disability pension, VA payments, pension, or annuity, Temporary Aid to Needy Families, unemployment benefits, worker's compensation, and disability or benefits from any source.
- iii. For computing income, a household shall be defined as all persons who occupy a housing unit. The occupants may be a single family, one person living alone, two or more families living together or any other group of related or unrelated persons who share living arrangements.

c. Owner-Occupied

An applicant who holds the entire ownership interest of a property and lives in one unit of the property as a primary residence.

d. Construction Costs

The total of contractor estimates from the lowest eligible contractors, and the contingency determined to be reasonable by the Community Development Staff.

e. Residential Property

A property used entirely for residential purposes (household living space).

f. Income Limits

To qualify applicants for various loans under the **Accessory Dwelling Unit Development (ADUD) Program**, Community Development staff will use income limits for Lewiston-Auburn SMSA established by the Office of Housing and Urban Development. Revised charts will be used upon receipt.

Sustainability & Natural Resources Management Board

Minutes: Oct 13, 2022

Approved:

Attending:

Community Forest Working Group:	Dave Griswold
Conservation Working Group:	Jane Costlow
Natural Products & Agriculture Working Group:	Bill Sylvester
Sustainability Working Group:	Ralph Harder
Mayor's Representative:	Councilor Leroy Walker
Planning Board Representative:	Evan Cyr
Staff:	City Manager Crowell

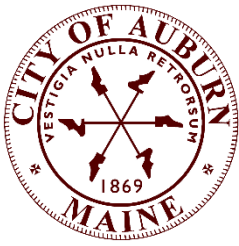
Guests: Kathy Shaw, Katherine Cook, Maurice Keene

Recorder: Dave Griswold

Call to Order: 6:03

1. **Public Participation:** The question of whether to add an opportunity for public participation to future agendas was raised. A motion was passed 6-0 to have the chair develop a protocol before the January meeting.
2. **Approval of Minutes:** July 14, 2022 minutes were approved with minor adjustments, 4-0
3. **Working with Staff:** Mgr Crowell provided a handout outlining staff support for the working groups. Community Forest: Noel Skelton, staff; Director Denis D'Auteuil; Conservation: Staff vacant; Director Eric Cousins; Natural Products and Agriculture: Staff vacant; Director Eric Cousins; Sustainability: Staff Derek Boulanger; Director Dan Goyette; SNRB: Mgr Crowell
 - a. Mgr Crowell reported that the City is working with the School Department to assign staff to a position focused on sustainability. SNRB will have an opportunity to have input on a position description.
4. **Council Resolve 06-09062022**
 - a. Evan reviewed discussion about the resolve at the Planning Board meeting 10 11.

- i. History of the income requirement and strip zones
 - ii. LD 2003 rulemaking process
 - iii. PB views income requirement and strip zones as separate questions.
 - iv. Looking for pros and cons of both questions from SNRB by 1 4 23, in order to allow for PB to discuss at three meetings and develop response by 3 20 23. Resolve does not include a zoning change proposal, so if the Council decides to make changes, each will be referred back to the PB for a proposal.
 - b. Strip zones are controversial. Are there better alternatives?
 - c. Any change will need to be viewed through the lens of the Comprehensive Plan and Strategic Plan
 - d. Response to Council could be “no change” or “change recommended with qualifications.
 - e. Discussion of degree and method of public input to process.
 - f. Agreed it would be helpful for Eric Cousins to review strip zone history and issues.
 - g. Discussion of how SNRB process should be organized. Jane, Bill, Ralph and Dave will serve as an ad hoc committee of SNRB to refine the process and develop recommendations to bring back to the full SNRB.
5. **Staffing and Funding:** Ralph pointed out that there are details of staffing and funding of Working Groups that need further discussion. He said the model employed for the previous recycling group was a good one.
6. **Climate Action Grants:** The state has grants available for municipalities to use to address climate change. Phil will provide information about how Auburn can qualify to apply. Documents will be posted on the SNRB page.
7. Adjourn: 7:46



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 7, 2022

Ordinance: 20-09062022

Author: Eric Cousens, Director of Planning and Permitting

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

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

This proposal has been recommended to Council by Planning Board at the September 13, 2022, public hearing. Second reading with the Council was postponed at the September 19, 2022, meeting allowing for additional public information sessions hosted by staff. The second reading is now scheduled for the November 7, 2022, Council Meeting. Both the City Council and Planning Board have created this new district based on feedback from the public while considering the application of the existing T-4.2 district to the same area. In response to public feedback the new district was created to recognize differences between existing T-4.2 districts and the proposed T-4.2B area. Most notable are setback allowances that are flexible to match existing development patterns, the size limitations on commercial uses, a requirement for a residence on the same lot as a commercial use and the additional Special Exception review and Planning Board public process required for considering most commercial uses.

City Budgetary Impacts: N/A

Staff Recommended Action: Hold a Public Hearing and vote to pass second reading of the proposed text and map amendment.

Previous Meetings and History: See Staff Report attached. A public hearing and passage of first reading was on 9/6/2022. Staff also hosted two informational community forums online October 19 and in-person October 25.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

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



MEMORANDUM

TO: Evan Cyr, Planning Board Chair

CC: Eric Cousens, Director of Planning and Permitting

FROM: Sally J. Daggett, Esq.

RE: Planning Board Public Hearing Process re Zoning Ordinance Amendments

DATE: September 8, 2022

I am writing in response to your inquiry regarding the Planning Board public hearing process related to Zoning Ordinance amendments. Specifically, you have inquired whether it is legally permissible for the City Council to conduct its first reading on proposed Zoning Ordinance amendments in advance of the required Planning Board public hearing. The short answer is yes.

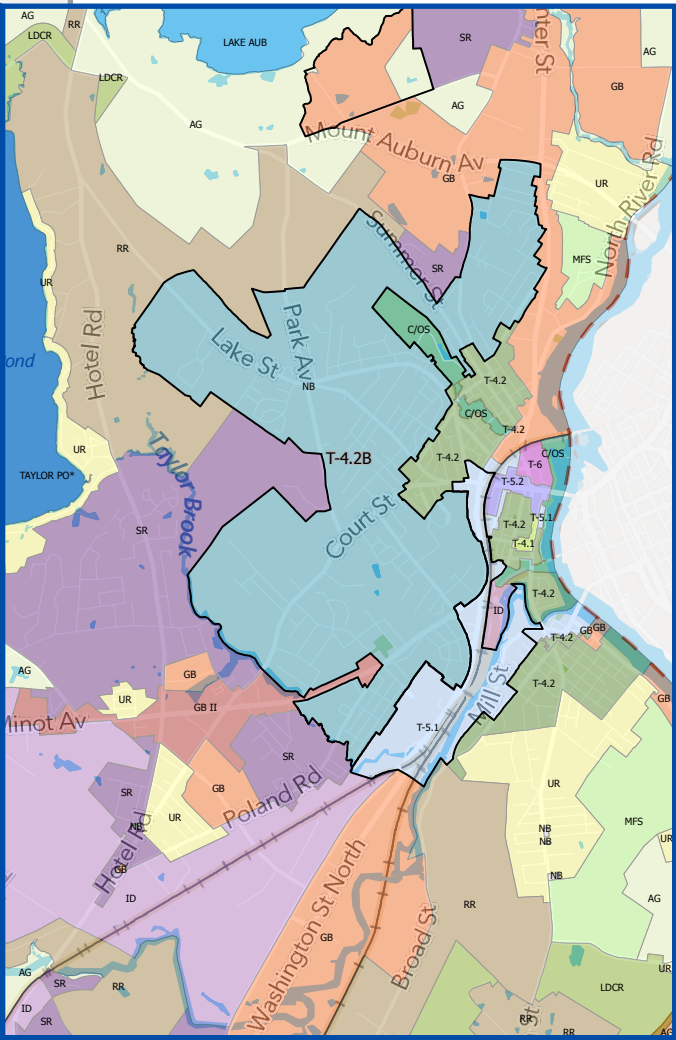
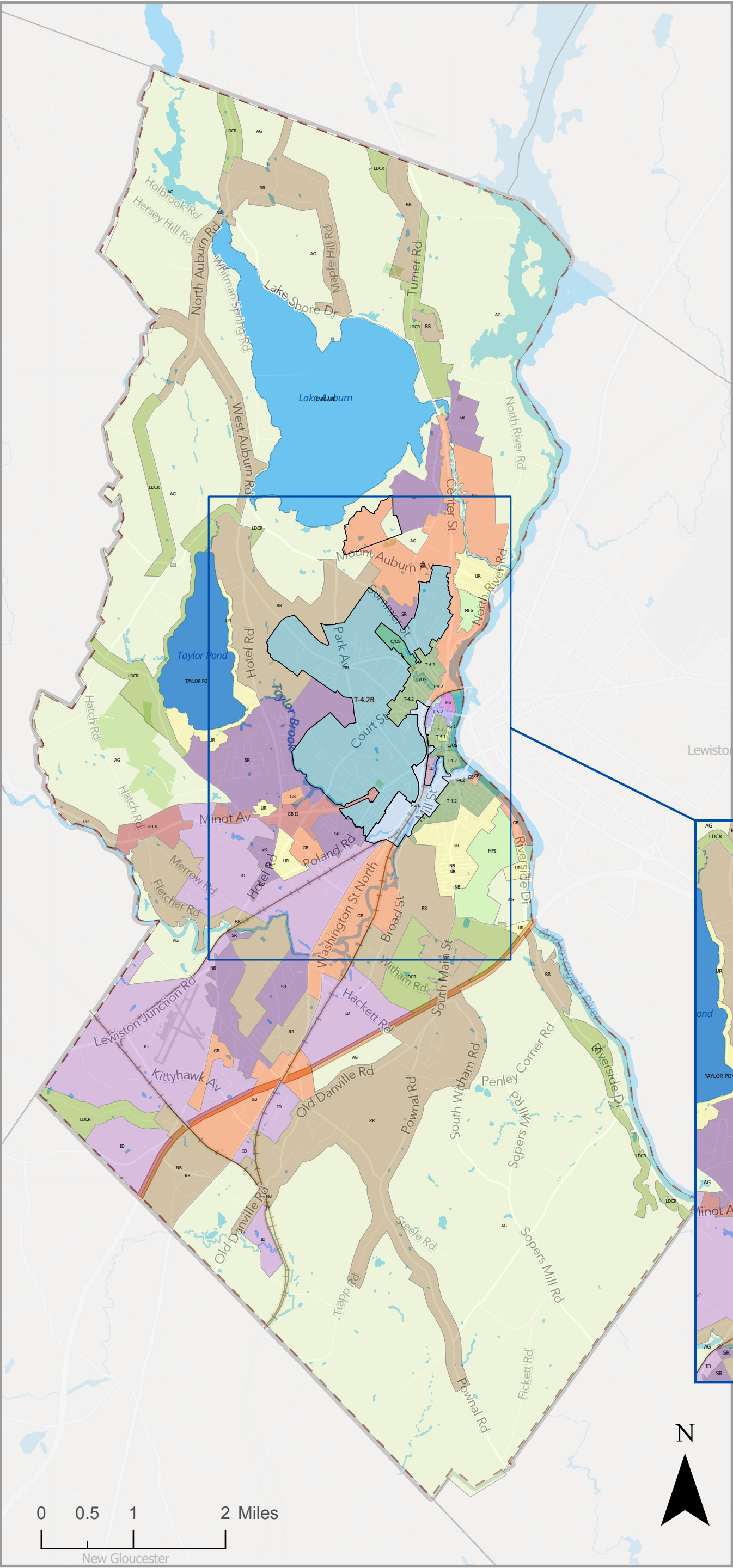
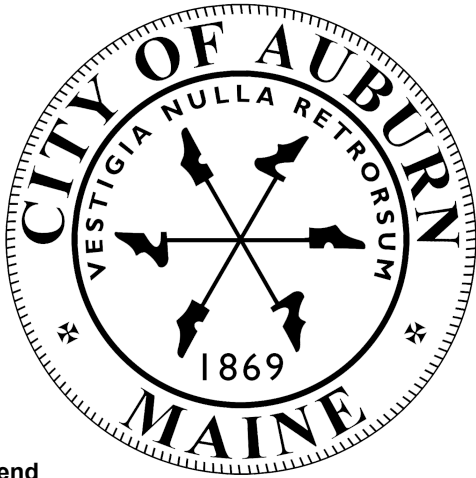
State statute requires that the Planning Board conduct a public hearing on the adoption or amendment of the Zoning Ordinance, with certain notices provided in advance of the public hearing, including a public hearing notice posted at City Hall at least 13 days before the public hearing and publication of notice of the public hearing in a newspaper of general circulation at least 12 days and again at least 7 days in advance of the public hearing. 30-A M.R.S. § 4351(9). Section 60-1474 of the City's Zoning Ordinance contains similar notice provisions (and adds a local requirement of notice to abutters in Sec. 60-1475). Under Sec. 60-1496 of the Zoning Ordinance, the Planning Board must "within 30 days of the conclusion of the [Planning Board] public hearing, report in writing the results of the hearing and recommendations of the board on the amendment to the city council."

There is nothing in State statute, the City Charter or the Zoning Ordinance that dictates the timing of the Planning Board public hearing in relationship to the City Council's first reading of proposed Zoning Ordinance amendments. Some municipalities with the Council-Manager form of government prefer to conduct Council first reading before the Planning Board public hearing to enable Council input on the version of the amendments that will be considered and reported on by the Planning Board. Other municipalities with the Council-Manager form of government prefer to have the Planning Board conduct its public hearing before Council first reading. In some municipalities, the timing of the Planning Board public hearing in relationship to the City Council's first reading of proposed Zoning Ordinance amendments varies from time

to time (*i.e.*, sometimes before first reading and sometimes after first reading) depending on the complexity of the subject matter of the amendments.

As relates to the proposed amendments to the Zoning Ordinance text and map to create a new Traditional Neighborhood Form Based Code T-4.2B District, it is my understanding that the Planning Board specially requested at its June 21, 2022 meeting that its recommendation on the T-4.2B amendments be delayed until after the City Council determined what version of the amendments the Council wanted to bring forward for final action. Such an approach whereby the City Council conducts its first reading in advance of the Planning Board public hearing is legally permissible under State and local law.

Proposed Official Zoning Map



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



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



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

04210 www.auburnmaine.gov |

207.333.6601

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

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

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

STAFF RECOMMENDATIONS

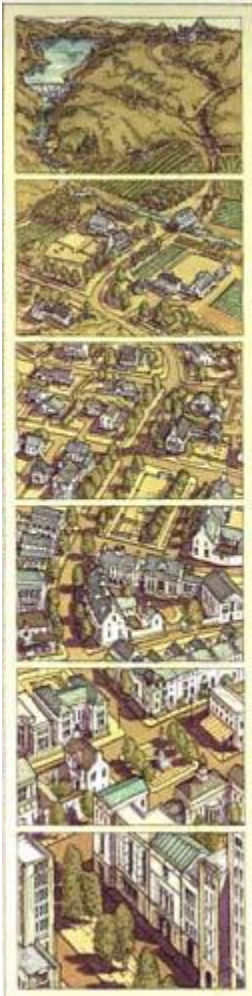
Hold a public hearing on creation of new Form-Based Code zoning district, T-4.2B and the application of the same new zone, T-4.2B to the Court Street area. The Board should review these as a single agenda item and forward a recommendation to Council.

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

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Update original dates from first approval

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



TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND)

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

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

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

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

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

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

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

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



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

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

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

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

2. ⁴The proposed zoning will **allow a wider variety of housing**. Offering choice in housing to residents will allow more residents the freedom to live as they want and not pay more than they can afford. Financial institutions recommend not spending more than 28% of household gross income on housing. Single family homes are outside of the price range and may not meet the lifestyle needs of many people, especially young adults, young



families, empty nesters, elderly residents and many in between. The current zoning essentially renders housing that is not single-family or two-family illegal effectively barring those who cannot afford the high price of a single-family home to live with their neighbors. Allowing mixed use housing gives residents of all backgrounds and financial capacities options and promotes community by allowing neighbors to live close to and among each other.

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



FREQUENTLY ASKED QUESTIONS

How would T-4.2B affect my neighborhood?

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

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

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

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

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



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

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

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

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

How might new zoning affect the housing crisis?

⁶ T4 Rendering of Spring Street

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

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

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

ADDITIONAL READING

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

[Center for Applied Transect Studies](#)

[The Organization | CNU](#)

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

[Market — Missing Middle Housing](#)

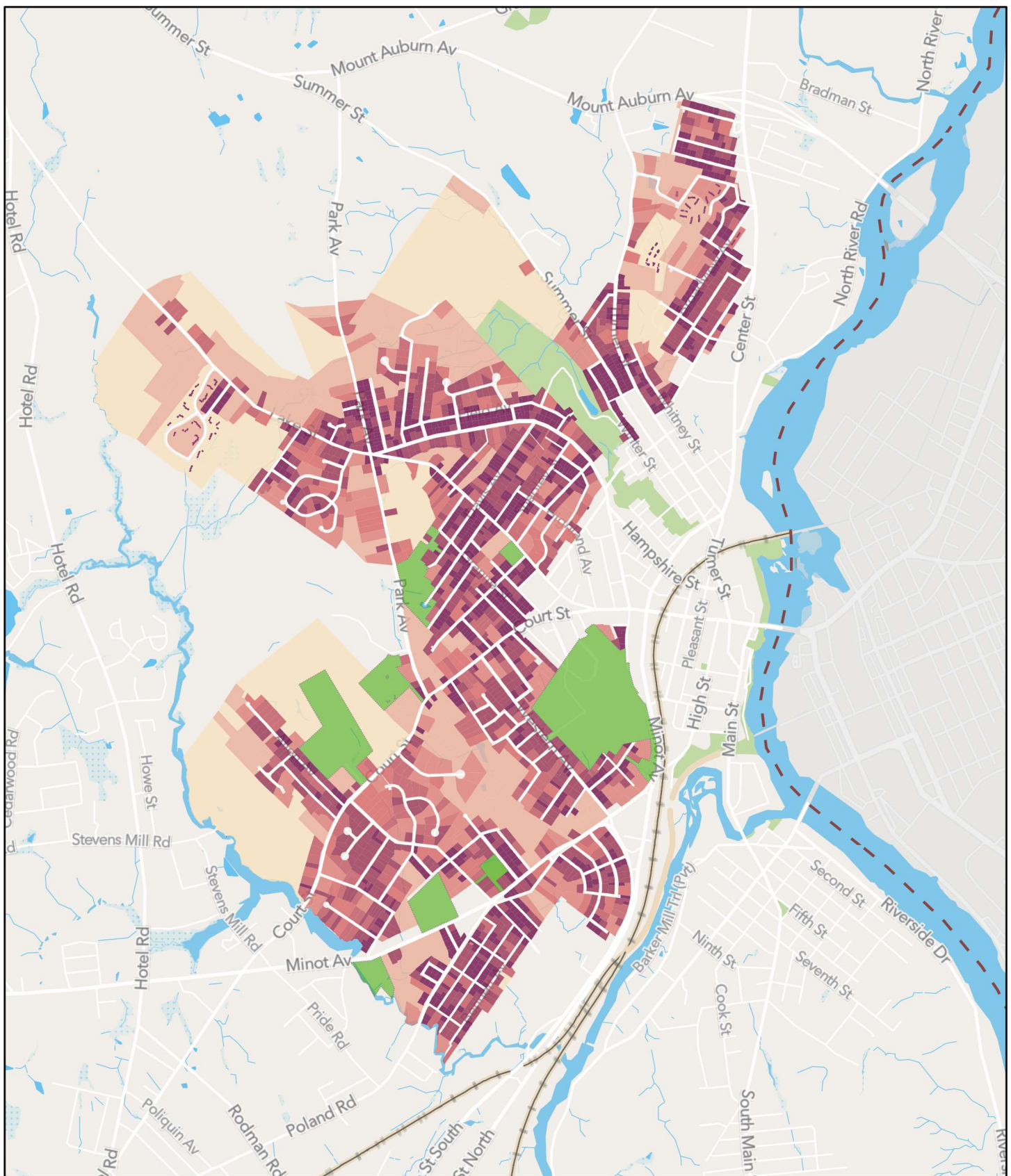
[How to Enable MMH — Missing Middle Housing](#)

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

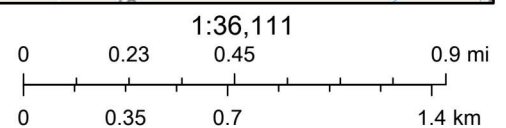
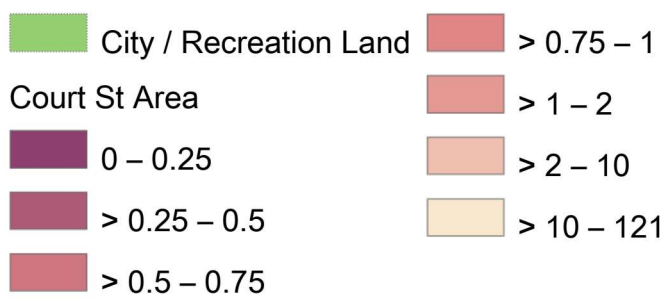
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⁷ <https://www.planning.org/planning/2021/winter/3-zoning-changes-that-make-residential-neighborhoods-more-affordable/>

Court St By Acreage

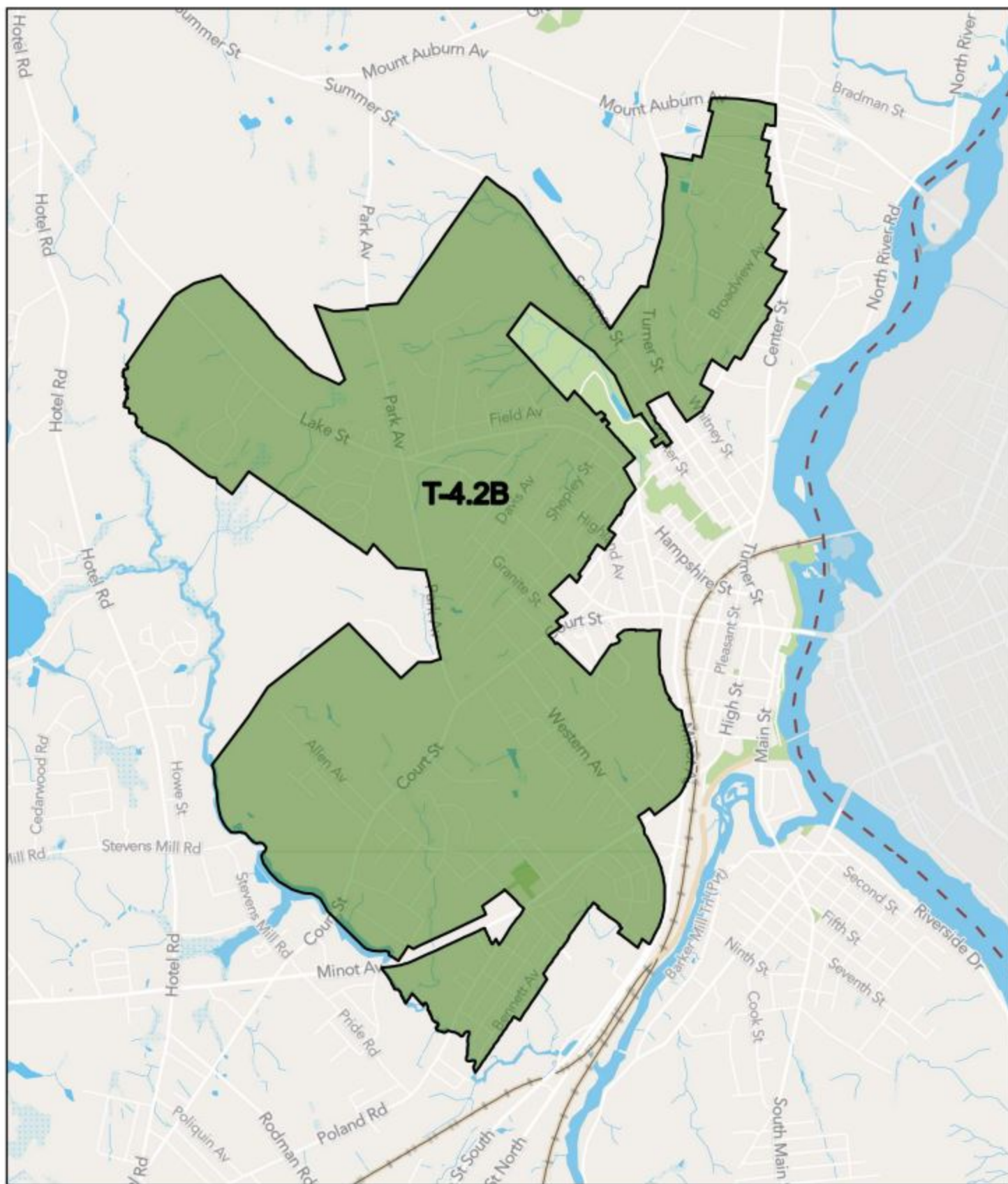


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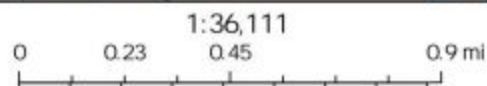


Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Court St Area T-4.2B



8/12/2022



THURSDAY,
SEPTEMBER 1, 2022

sunjournal.com

**LEGAL NOTICE
CITY OF AUBURN**

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

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

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

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

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

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

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WEDNESDAY,
AUGUST 24, 2022

sunjournal.com



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

04210 www.auburnmaine.gov |

207.333.6601

Motion: Brian Dubois; Second: Stacey Leblanc

Motion that we forward a recommendation to the city council to adopt the zoning text and map amendments to create the traditional neighborhood form-based code T-4.2B zoning district and to include 1,687.41 acres of property located in the Court Street residential core area of the city within the new zoning district as proposed and presented within the staff report presented at the September 13th 2022 meeting of the planning board.

Motion passes 5-2-0

The Planning Board adopted the findings of the 6staff reports, attached.



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

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

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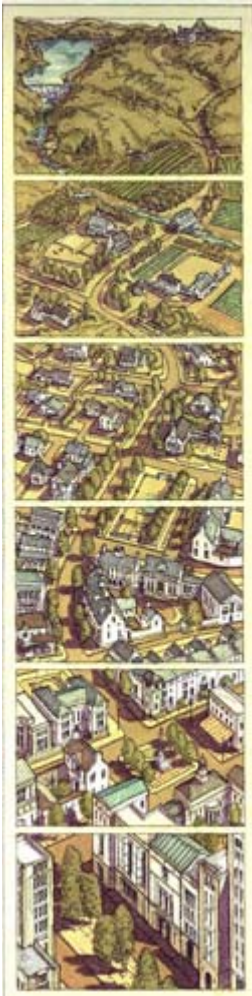
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² <https://formbasedcodes.org/definition/>

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

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

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

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

T-4.2B is a new zone distinct from T-4.1, T-4.2, T-

5.1, T-5.2, and T-6. The attached text, Division 14.

Form Based Code, shows the text of the T-4.2 B. The

document represents the text of proposed new zone, T-4.2 B. The red sections mark the differences between T-4.2 and T-4.2B. The transects in Auburn are ordered from least to most urban. Form allows multifamily housing in this area capped at 3.5 stories with an attic.

Parcel size determines form and therefore number of

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



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

1. The proposed zone change will **increase housing opportunity** for more people by lowering barriers to finding housing. Auburn's housing supply is limited and is not increasing fast enough to accommodate both current residents and those who want to call

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

Auburn home. Housing scarcity drives up prices and increasing the supply of housing will lower the cost overtime.

2. ⁴The proposed zoning will **allow a wider variety of housing**. Offering choice in housing to residents will allow more residents the freedom to live as they want and not pay more than they can afford. Financial institutions recommend not spending more than 28% of household gross income on housing. Single family homes are outside of the price range and may not meet the lifestyle needs of many people, especially young adults, young



families, empty nesters, elderly residents and many in between. The current zoning essentially renders housing that is not single-family or two-family illegal effectively barring those who cannot afford the high price of a single-family home to live with their neighbors. Allowing mixed use housing gives residents of all backgrounds and financial capacities options and promotes community by allowing neighbors to live close to and among each other.

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



FREQUENTLY ASKED QUESTIONS

How would T-4.2B affect my neighborhood?

Building by form as regulated in T-4.2B will differ based on where you live and the existing neighborhood form. Most city lots are small and already built on, likely limiting additional development to infill housing opportunities and freedom for property owners to add additional units or make improvements to existing homes. The map shows the size of parcels in the urban

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

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

core area. The map (*Appendix A*) shows that 54.6% of parcels cannot support over four units and 79.4% of parcels cannot support over eight units.

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

⁶The traffic in Auburn is already much too fast and congested. Would higher density in the city core make the traffic worse? Adding more housing, though may add more vehicles to the road in the short term, will allow the city to find projects to improve current road conditions, and invest in improving circulation patterns throughout the city. Increasing density will also make Auburn a more viable location to extend local public transit and especially commuter transportation to and from nearby metro areas like Boston, Portland, and more.

Form-based code encourages and supports safe pedestrian traffic, over time also decreasing the heavy reliance on vehicles.

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

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

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

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



⁶ T4 Rendering of Spring Street

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.⁷

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

What can I expect?

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

ADDITIONAL READING

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

[Center for Applied Transect Studies](#)

[The Organization | CNU](#)

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

[Market — Missing Middle Housing](#)

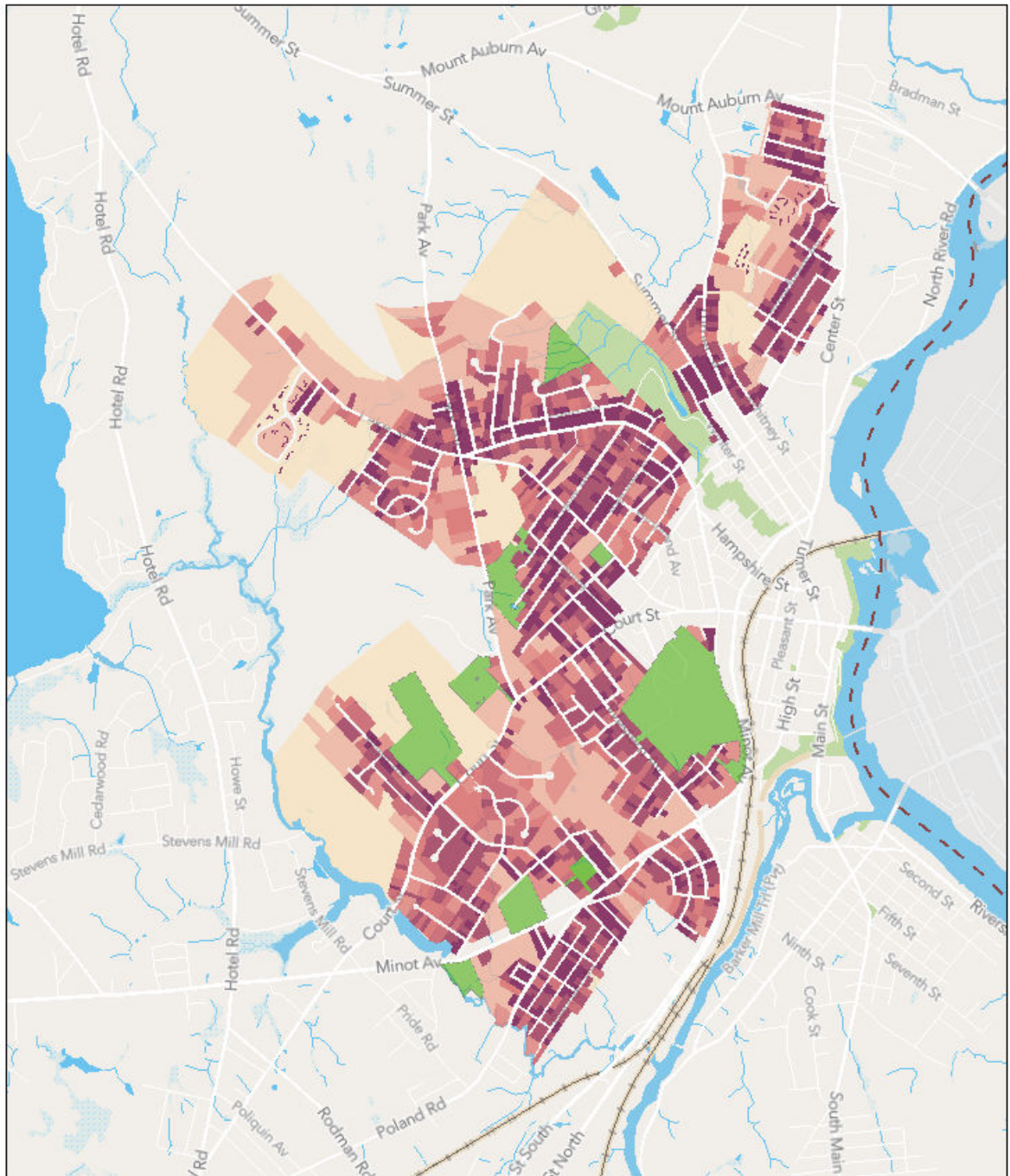
[How to Enable MMH — Missing Middle Housing](#)

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

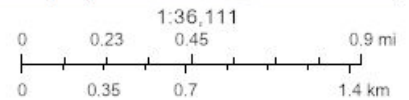
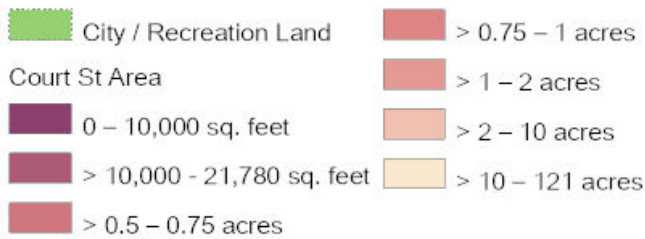
[3 Zoning Changes That Make Residential Neighborhoods More Affordable \(planning.org\)](#)

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

Court St By Acreage



8/19/2022



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



City of Auburn, Maine

Planning Board

60 Court Street | Auburn, Maine

04210 www.auburnmaine.gov |

207.333.6601

DRAFT FOR REVIEW AND FINALIZATION AT THE 6/28/22 PLANNING BOARD MEETING

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board Report to City Council on Zoning Text and Map Amendments (T-4.2B Text and Court Street/City Core; 1,687.41 acres of Traditional Neighborhood Development District Areas Map amendment

Date: June 28, 2022

This report is the report from the Planning Board regarding the above-described map and text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on June 21, 2022 the Planning Board forwards this report to the City Council. The Board Recommends as follows:

1. PROPOSAL: PUBLIC HEARING: Zoning Amendments: Court Street/City Core; 1,687.41 acres of Traditional Neighborhood Development District Areas (T-4.2). Proposed text amendments to the Court Street/City Core of Urban Residential Area; 1,687.41 acres of Formed Base Code T-4.2 to T-4.2B (Exhibit A)

Motion: Brian DuBois; Second: Stacey LeBlanc

“I make a motion to recommend to City Council a text amendment suggested by Council with creation of a new form-based code zone T-4.2B with items listed under section 2 of your summary with a couple of revisions. One is under #9 to remove the words upper floor and say must include residential unit, and add number 12: that artists' studios and performing arts centers be considered a Special Exception”

Motion: Evan Cyr; Second: Riley Bergeron

“I make a motion to amend the front setbacks to include that we change the setbacks from a minimum of 5 to a maximum of 15 to a 5-foot minimum to a maximum of 25 foot or 25% of the lot whichever is more.”

Motion to amend passes 7-0

The main motion is now amended to include the amended setbacks

Motion: Evan; Second: Mathieu Duvall

I am going to make a motion to amend to remove note number five (5) on page 19 of 22 which read that density of 14 dwelling units per acre unless special exception subject to planning Board approval.”

Motion to amend passes 6-1

Motion to recommend new zone, T-4.2B with amendments passes 7-0

2. PROPOSAL: PUBLIC HEARING: Zoning Map Amendments: Court Street/City Core; 1,687.41 acres of Traditional Neighborhood Development District Areas (T-4.2). Proposed map amendment to the Court Street/City Core of Urban Residential Area; 1,687.41 acres of Formed Base Code T-4.2 to T-4.2B (Exhibit A)

Motion: Mathieu Duvall; Second Riley Bergeron

I'd like to make a motion to postpone this item until the first regular meeting of the Planning Board after the City Council finishes its deliberation and makes its decision on adoption of T-4.2B

Motion does not pass 0-7

Motion: Evan Cyr; Second Mathieu Duvall.

I make a motion to recommend the City to not (make a map) amend(ment) (regarding changing) T-4.2 to T-4.2 B for the Court Street area with a total area having been suggested for amendment of 1687.41 acres shown on the map exhibit A, due to process concerns specific to not knowing what the final language of T-4.2B will be from City Council that the Board would be adopting.

Motion passes as amended 7-0

DRAFT FOR CLARIFICATION BY THE BOARD: The Board intends to resume this discussion with an additional notice and public hearing after the T-4.2B Text has been finalized by the City Council.

OR

The Board requests direction from Council after receiving this report for how to proceed with future consideration.

Motion to continue the meeting to take on Item 5-8,

Motion does not pass. 5-2 (Need 100% concurrence found in Planning Board Policy- Article VI
D: **No New Business.**)



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: Public Hearing Court Street/Urban Core Area Zoning Considerations from City Council for Zoning Map and Text Amendment.

Date: June 21, 2022

PROPOSAL: PUBLIC HEARING: Zoning Amendments: Court Street/City Core; 1,687.41 acres of Traditional Neighborhood Development District Areas (T-4.2). Proposed text and map amendments to the Court Street/City Core of Urban Residential Area; 1,687.41 acres of Formed Base Code T-4.2 to T-4.2B (Exhibit A)

New Proposed Form-Based Code Zone: T-4.2B

Council voted on May 16th, 2022, to ask the Planning Board to review the T-4.2 zone known as Court street area and deliver a recommendation for a T-4.2B zone, based on amendments previously put forward by the Council. They include the following:

- All Bed and Breakfast establishments allowed with special exception approval from the Planning Board.
- Residential Facilities allowed with special exception approval from the Planning Board.
- Lodging allowed with special exception approval from the Planning Board.
- Personal Services allowed with special exception approval from the Planning Board.
- Age restricted retail not allowed.
- Restaurants with over 30 seats not allowed.
- Government offices allowed with special exception approval from the Planning Board.
- Parking requirements (public or private) may be provided within 500 feet of the establishment.
- Office, Service and Retail Use limited to 1,500 SF footprint and must include upper floor residential unit.
- No drive through businesses allowed.
- Multifamily allowed with special exception approval from Planning Board. (limit is 14 units per acre-above with Planning Board approval).

- I. PLANNING BOARD ACTION/STAFF SUGGESTIONS:** Staff suggests a planning board discuss the proposals and hold a Public Hearing on June 21, 2022 on the following items. 1.) Staff recommends that the Board forward a positive recommendation to the Council supporting the proposed changes provided by the City Council, to include the adjusted text to create a new Formed Base Code T-4.2B. 2.) Provide a map amendment (T-4.2 to T-4.2B) for the Court Street Area. The total amendment includes 1,687.41 acres shown on the map (Exhibit A) based on the following findings.

SUGGESTED FINDINGS AND REASONS:

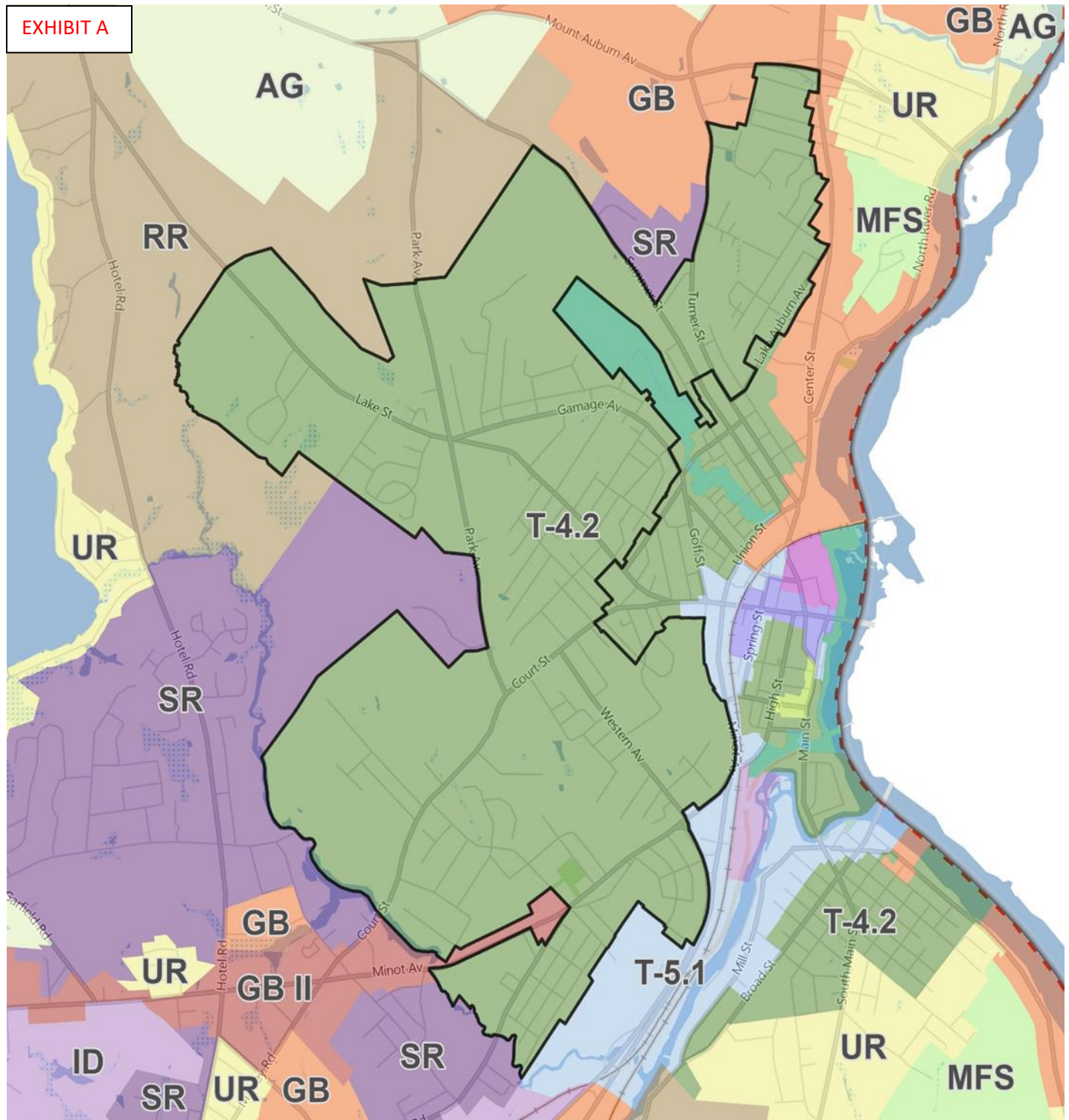
1. The 2010 and now 2020 Comprehensive Plan recommends expanding the Formed Base zoning. This can be accomplished with the creation of a new district by using T-4.2B that conforms to and expands existing development patterns.
2. The distinctions between allowed uses, density and development patterns in the existing T-4.2 areas in place for years and the Court Street/City Core area are significant enough to warrant a new zoning district that can be called T-4.2-B. This will prevent limitation in the urban core where density and mixed use has been allowed by leaving T.4.2 zoning in place in some areas.
3. The area is considered the core of the city and the 2010 and now 2021 support higher density with available infrastructure in place. (sewer, water, power, high speed internet, gas & roads)
4. The proposal can be implemented without detriment to city resources.
5. Assure that the City's zoning and land use regulations allow for private investments to improve property in these neighborhoods.
6. Maintain and increase the City's population.
7. Limit the need for new roads by encouraging infill development within the identified growth areas in 2020 Comprehensive Plan .
8. FBC allows for 5-foot front and side setbacks in contrast with the current 25 feet. Most buildings in these districts are currently non-conforming because of this standard. Generally, the change recommended will have little impact on the allowed uses in the district.
9. In many of the older, developed areas of the City, the current configuration of space within residential buildings is functionally obsolete. Reconfiguration of the available space is often difficult under the density and lot size requirements of the current zoning ordinance.

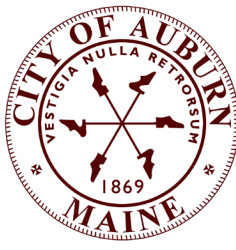
II. SUGGESTED MOTION: 1.) I make a motion to recommend to City Council a text amendment suggested by council with creation of a new Formed Based Code Zone T-4.2B.

1. All Bed and Breakfast establishments allowed with special exception approval from the Planning Board.
2. Residential Facilities allowed with special exception approval from the Planning Board.
3. Lodging allowed with special exception approval from the Planning Board.
4. Personal Services allowed with special exception approval from the Planning Board.
5. Age restricted retail not allowed.
6. Restaurants with over 30 seats not allowed.
7. Government offices allowed with special exception approval from the Planning Board.
8. Parking requirements (public or private) may be provided within 500 feet of the establishment.
9. Office, Service and Retail Use limited to 1,500 SF footprint and must include upper floor residential unit.
10. No drive through businesses allowed.
11. Multifamily allowed with special exception approval from Planning Board. (limit is 14 units per acre-above with Planning Board approval).

2.) I make a motion of the proposed map amendment (T-4.2 to T-4.2B) for the Court Street Area. The total amendment includes 1,687.41 acres shown on the map (Exhibit A) boundary and be adjusted from T-4.2 to T-4.2B the total amendment includes 1,687.41 acres shown on the map as Exhibit A.

The green area below highlighted in black is 1,687.41 acres of Traditional Neighborhood Development District Areas (T-4.2). Proposed is text and map amendments to the Court Street/City Core of Urban Residential Area; 1,687.41 acres of Formed Base Code from T-4.2 to T-4.2B. Roads include parts of Lake, Court, Turner and Summer Streets and parts of Park, Western, Gamage Avenues.





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

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

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

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

Subdivision I. In General

• • •

Sec. 60-547. Transects.

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

• • •

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

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

• • •

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

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

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

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

Illustrative View of T-4.2B



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

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

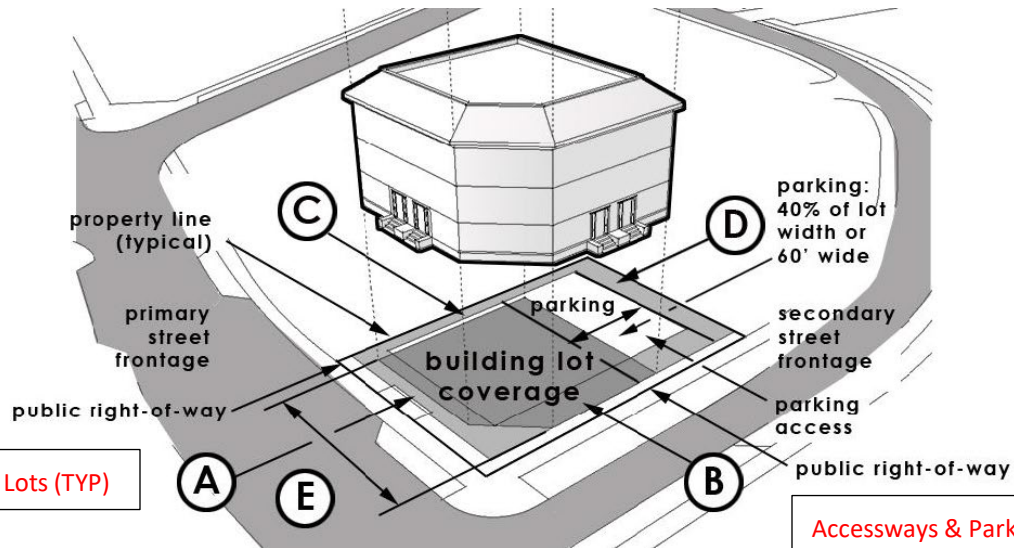




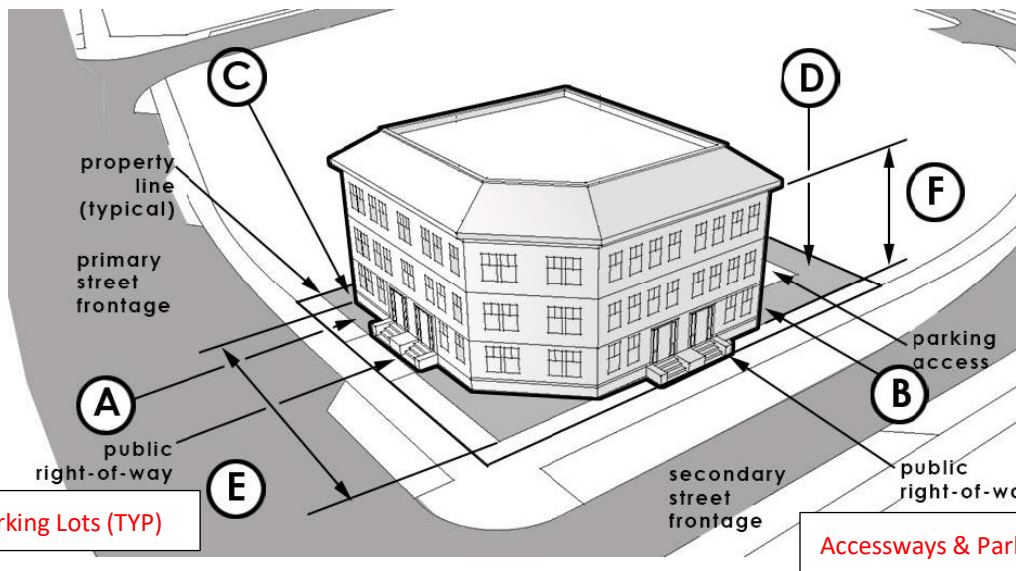
Characteristic Features

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

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



Elevated Building Placement

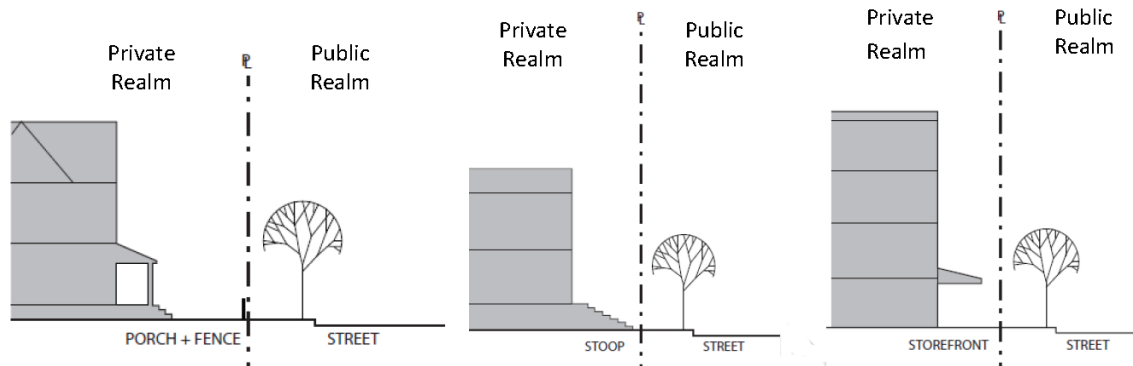


Building Placement on Lot

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

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

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



Common or Porch Yard Stoop Yard Frontage Storefront Type

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

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

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

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

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

...

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

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

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

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

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

Notes:

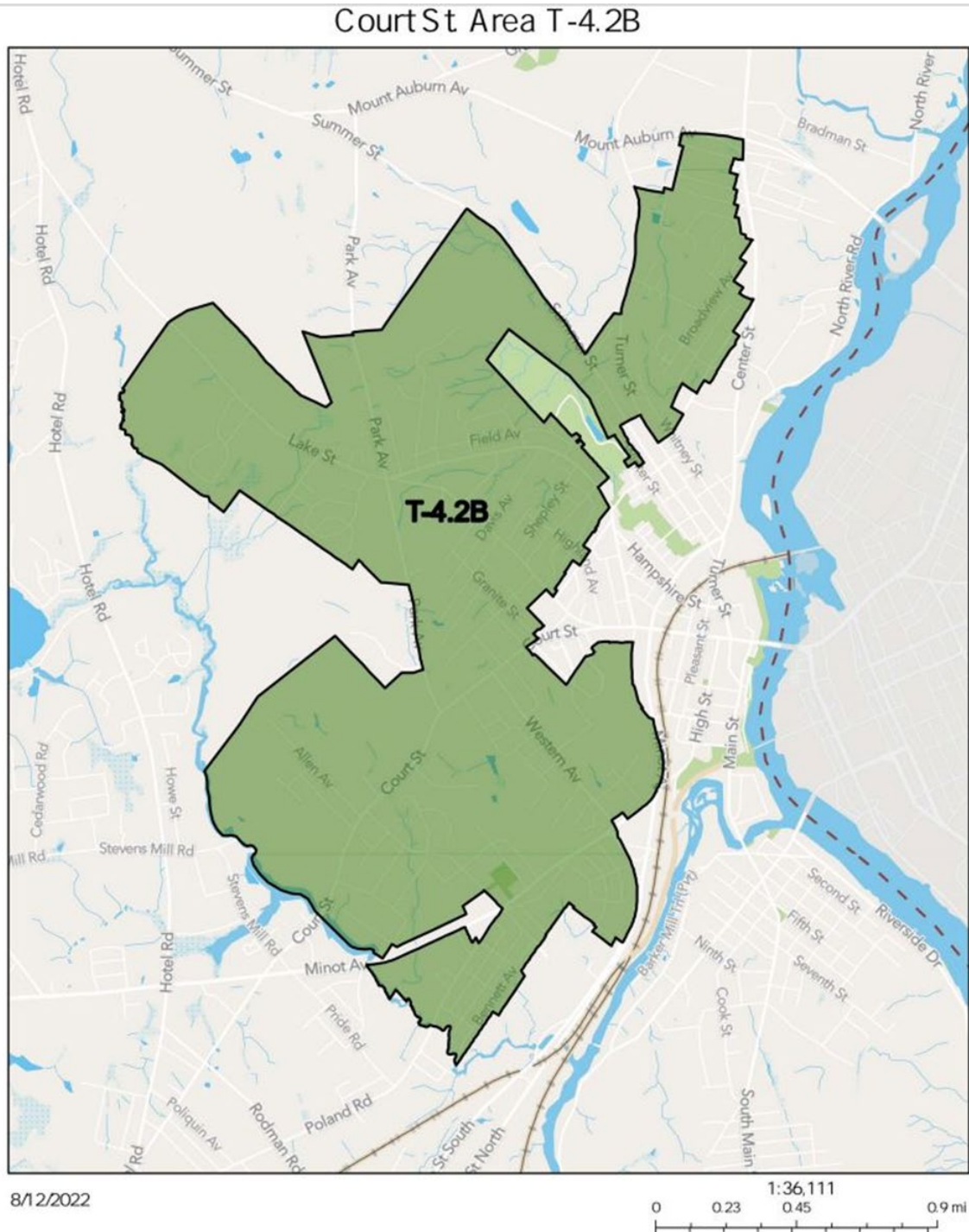
- (1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.
- (2) *Parking requirements in T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within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

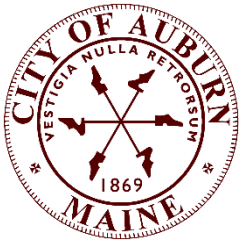
• • •

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

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

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





**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 7, 2022

Order: 148-11072022

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

Subject: Downtown Curb Appeal Grant Program

Information: The Downtown Curb Appeal Grant Program will allocate Two Hundred Fifteen Thousand dollars (\$215,000) of APRA Funding to promote revitalization of properties in the Downtown District by providing financial assistance to building owners for improvement and maintenance to existing multi-unit residential buildings. Financial assistance is made available to provide a visual impact on the exterior of existing multi-unit buildings, thus improving the quality of the neighborhood, improve the sense of place and marketability of the overall area. The intent of this program is to incentivize building owners to reinvest in their buildings and communities.

City Budgetary Impacts: NONE

Staff Recommended Action: Approve the Order as presented.

Previous Meetings and History: City Council Meeting October 3, 2022, during Communications and Presentations, Mayor Leveque proposed action. City Council Workshop October 17, 2022, staff presented draft program and Counsel provided feedback and direction to move forward to final order.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: Program guidelines



City of Auburn, Maine
Business & Community Development
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

Downtown Curb Appeal Grant Program (DCAGP)

Purpose

The purpose of the Downtown Curb Appeal Grant Program is to promote revitalization of properties in the Downtown District by providing financial assistance to residents for improvement and maintenance to existing residential buildings. Financial assistance is made available to provide a visual impact on the exterior of existing single-family residences and owner-occupied multi-unit buildings, thus improving the quality of the neighborhood, improve the sense of place and marketability of the overall area. The intent of this program is to incentivize residents to take reinvest in their buildings and communities.

Eligibility

Owners of a single-family residence or owner-occupied multi-unit who are below 120% of the area median income (AMI) and are located within the Downtown District are eligible for financial assistance. The funds can be used to upgrade and rehabilitate the exterior façade of their buildings. Only projects, which have not begun prior to being awarded, are eligible.

Eligible items may include:

- **Exterior Improvements** to the façade, including but not limited to, the following: changing exterior wall covering, landscaping, lighting, screening of unsightly utilities and to a limited extent, paving of parking areas.
- **Exterior Maintenance** measures that improve the overall looks of the façade and ensure the sustainability of exterior surfaces, such as cleaning, painting, tuckpointing, repairing, power washing, sand blasting, acid washing, window glazing, and caulking.

In order to be eligible to receive grant funds, all property taxes, real and personal, owed on the property that is the subject of the application must be current at the time the application is made. Any property on which there is past due balance for such taxes will be removed from consideration.

Property Conditions

All properties enrolled within the program will have a Housing Safety Inspection (HIS) conducted by Community Development Staff. This inspection will check every room in each unit to assure the base level of safety is present. This inspection does not supersede or circumvent any regular or required inspections by city Code Enforcement during the duly and regularly permitted process to be carried out in part with funding from this program. If the owner/building qualify for additional Community Development programs (such as the Critical Repair program or the Lead Hazard Control grant) city staff will expand the application to include these repairs. In such case, the most restrictive qualification standards and post-construction conditions will apply.

All projects must be reviewed and approved by the Community Development Office and all work conducted with proper permitting and approvals from the city Code Enforcement office.



City of Auburn, Maine

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Scoring Criteria

- The level of private investment utilized for the renovation. Applicants providing more than a 50% match will receive higher priority
- The potential impact the project will have on the surrounding area (visual prominence/significance)
- Whether the proposed improvements restore the historical character of the building
- The building's level of blight
- Whether the building is abandoned
- Improvements must be adjacent to a public space; however, priority is given to projects renovating multiple facades
- Whether the applicant has utilized the city incentive programs in the recent past

Funding

The City of Auburn may allocate \$215,000 from the City ARPA funds for this program to complete projects on a minimum of 18 separate properties within the Downtown District. Maximum assistance is \$10,000 per unit and can be combined with other city rehab programs.

All work must take place after an approved and separate scope of work and budget. A closing for a forgivable loan will be executed and approved funds will be held in a city managed escrow account. Contractors will be paid pari passu to matching funds and other programs funds which may be included. Financial assistance will only be available to those projects meeting eligibility requirements and preference will be given to projects that can be completed in a timely manner and make the most visual impact to the downtown area.

If additional funds are part of the financial package more restrictive procurement, inspection & post-construction conditions (including owner occupancy or Fair Market Rent standards) will apply.

Downtown Curb Appeal Grant Program

Sources and Uses	Unit Price	Quantity	Budget
Total Sources=			\$215,000
Auburn Funds (ARPA)			\$200,000
Auburn Funds (ARPA)			\$15,000
Total Uses=			\$215,000
Program Administration (1 year)			\$15,000
Rebates for Approved Façade Improvements	\$10,000.00	18	\$180,000
Program Delivery (20 Hours)	\$1,000.00	18	\$18,000
Marketing and supplies			\$2,000



City of Auburn, Maine

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Outreach

The City of Auburn will utilize existing data compiled and scored within the Downtown Blight survey to inform a direct mailer campaign and targeted outreach will be conducted in collaboration with the city Codes office.

Downtown Curb Appeal Grant Program (DCAGP) Guidelines

A. PROGRAM GOAL

The goal of the Downtown **Curb Appeal Grant Program** is to promote revitalization of properties in the Downtown District by providing financial assistance to residents for improvement and maintenance to existing residential buildings. This program is funded by American Rescue Plan Act (ARPA) and is subject to all requirements set forth by the funders as well as the Community Development Program rules herein.

B. ELIGIBILITY CRITERIA

1. The property must be an owner-occupied, year-round residential property of no more than 4 units.
2. Property owners must qualify at or below 120% of the Area Median Income (AMI) based on the current year limits as established by HUD.
3. Owners must not be delinquent on any taxes or utilities.
4. Funds must be used to provide a visual impact on the exterior of existing single-family residences and owner-occupied multi-unit building, thus improving the quality of the neighborhood, improve the sense of place and marketability of the overall area.

C. ASSISTANCE CATEGORIES AND TERMS

Loan Terms

- 1.) Maximum loan assistance is \$10,000 per unit.
 - a) Fully amortized loan @ 2% APR for 1-year, deferred payments.
 - b) Upon final inspection and only if all conditions of the agreement are met this loan will be converted to a grant.

Funding

All work must take place after an approved and separate scope of work and budget. A closing for a forgivable loan will be executed and approved funds will be held in a city managed escrow account. Contractors will be paid pari

passu to matching private funds and other programs funds included within the approved budget and scope of work.

D. NATIONAL OBJECTIVES

Projects will be eligible under the American Rescue Plan Act (ARPA). The allocation of loan pool funds will be monitored and adhere to the current and future requirements set forth by these funding sources.

Income Qualification: Applicants will be required to provide source income. Applicants will be required to sign a Rehabilitation Agreement to assure project completion.

E. PROGRAM QUALIFICATION ASSESMENT

The Community Development Office has responsibility for administration of the **Downtown Curb Appeal Grant Program**. Community Development verifies source documentation in accordance with program guidelines and presents the loan request to the Program Director for approval based on achieving the national objective in part D above and part G below.

F. PRIVATE FUNDS

Private Funds: When matching funds are required, the applicant will have the option of using cash or borrowed funds. Disbursement of funds will be Pari Passu to matching funds on a per-invoice basis. Verification of private fund payments will accompany each disbursement request.

G. LOAN CONSIDERATIONS

In approving or denying loan requests, the Community Development staff shall be guided by the following loan considerations:

- 1.) Underwriting
 - a) Construction costs reasonable and arms-length.
 - b) Credit - credit history and reputation.
 - c) Payment of taxes or acceptable arrangements.
 - d) Collateral - Collateral coverage must be adequate as determined by the Community Development Staff.
 - e) Security - other assets.
 - f) Commitment of matching funds.
- 2.) Assessment Private/Public Benefit

The Community Development staff will also consider the broader implications of private and public benefits.

H. NON-DISCRIMINATION

Administration of this program shall be in accordance with Title VI of the Civil Rights Act of 1964. No person shall, on the ground of race, color, national origin, be excluded from participation in, be denied the benefits of, or subjected to discrimination under this program.

I. APPLICATION PRIORITY

Applications shall be processed on a first-come, first-served basis. Community Development staff shall use the receipt date of a complete application (including all required source documentations) to establish the order of priority. The applicant will be notified if there is funding available to proceed with the project, if there is inadequate funding then the application may be placed on a waiting list.

J. PROPERTY INSPECTIONS

All properties enrolled within the program will have a Housing Safety Inspection (HIS) conducted by Community Development Staff. This inspection will check every room in each unit to assure the base level of safety is present. This inspection does not supersede or circumvent any regular or required inspections by city Code Enforcement during the duly and regularly permitted process to be carried out in part with funding from this program.

K. DEFINITIONS

a. Household Income

- i. For the purpose of determining eligibility, Community Development staff will calculate income by estimating the annual income of a family or household by projecting the prevailing rate of income of each person at the time assistance is requested based on the IRS Form 1040 method as defined by the Office of Housing and Urban Development.
- ii. Income of all members of the household over the age of 18 years is considered for computing income. This may include wages, salaries, overtime, bonuses, fees, tips, commissions, interest and dividend income, self-employment income, net rental income, income from estates or trusts, child support, alimony, Social Security benefits, SSI retirement, survivor or disability pension, VA payments, pension, or annuity, Temporary Aid to Needy Families, unemployment

benefits, worker's compensation, and disability or benefits from any source.

- iii. For computing income, a household shall be defined as all persons who occupy a housing unit. The occupants may be a single family, one person living alone, two or more families living together or any other group of related or unrelated persons who share living arrangements.

b. Owner-Occupied

An applicant who holds the entire ownership interest of a property and lives in one unit of the property as a primary residence.

c. Construction Costs

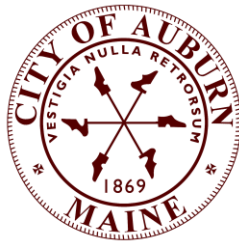
The total of contractor estimates from the lowest eligible contractors, and the contingency determined to be reasonable by the Community Development Staff.

d. Residential Property

A property used entirely for residential purposes (household living space).

e. Income Limits

To qualify applicants for assistance under the **Downtown Curb Appeal Grant Program**, Community Development staff will use income limits for Lewiston-Auburn SMSA established by the Office of Housing and Urban Development. Revised charts will be used upon receipt.



ORDER 148-11072022

City Council Order

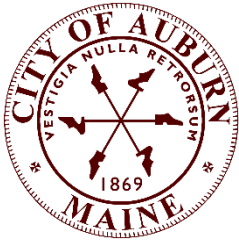
IN CITY COUNCIL

ORDERED, that the City Council hereby allocates Two Hundred Fifteen Thousand Dollars (\$215,000) of ARPA Funds to create the Downtown Curb Appeal Grant Program which will comply with established program guidelines and meet all ARPA rules, regulations, and guidance.

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: November 7, 2022

Order: 149-11072022

Author: Brian Wood, Assistant City Manger

Subject: Authorization for the City Manager to execute the Collective Bargaining Agreement between the City of Auburn and the Maine Service Employees Association Union Local 1989 covering 07/01/2022 – 06/30/2023

Information:

City Budgetary Impacts:

Staff Recommended Action: Staff recommends the City Council vote for passage of this Resolve.

Previous Meetings and History:

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: Contract Agreement from 07/01/2022 to 6/30/2023



ORDER 149-11072022

City Council Order

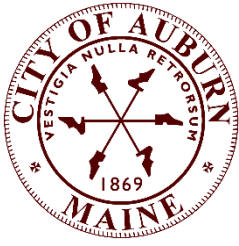
IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement with the Maine State Employees Association-Service Employees International Union, retroactive to 07/01/2022.

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: November 7, 2022

Order: 150-11072022

Author: Brian Wood, Assistant City Manager

Subject: Community Service/ Outreach Trailor Program

Information:

In an effort to continue to build and support the feeling of community and outreach the Auburn City Council is allocating up to \$50,000.00 to create two seperate trailors that will be available for residents of Auburn to use throughout the year. One trailor will consist of lawn and yard maintenance equipment such as electric lawn mowers, shovels, sheers ect that volunteer groups or communities and rent free of charge for neighborhood cleanups. The Second trailor will be a mobile block party complete with table, chairs, lawn games, ect for communities to rent free of charge for summer and fall blockparties, community events and National Night Out with the Auburn Police Department.

The City will be partnering with other community organizations and businesses for trailor donations and sponsorships.

City Budgetary Impacts:

Up to \$50,000.00

Staff Recommended Action: Support

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:



ORDER 150-11072022

City Council Order

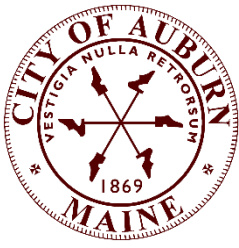
IN CITY COUNCIL

ORDERED, that the Auburn City Council direct the City Manager to purchase and outfitting of two trailers as part of the Community Outreach and Community Beautification Trailor Program. The City of Auburn will allocate up to \$50,000 from the American Rescue Plan Act (ARPA) funds in support of this initiative.

Richard Whiting, Ward One
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Ryan Hawes, Ward Two
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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: November 7, 2022

Order: 151-11072022

Author: Councilor Stephen Milks and Councilor Leroy Walker

Subject: Directing the Planning Board to provide a recommendation on a text amendment

Information: The Council on September 6, 2022, voted on a resolve (06-09062022) to direct the Planning Board to provide an opinion, no later than 3/20/2023 on whether to eliminate the income standard and the current strip zoning limitations in all areas outside of the Lake Auburn Watershed overlay in an effort to try to help address the housing shortage and demand upon existing housing stock.

Councilors Milks and Walker are submitting this order for council consideration, directing the Planning Board to for the purposes outlined in the resolve, to discuss and provide facts relating to an ordinance change which strikes the 30% income requirement in both the permitted use for a single-family homes accessory to a farm in the AGRP zone city-wide on lots over 10 acres and for the special exception use on lots between 6.2 and 10 acres that existed prior to 2017.

The intent of the ordinance text change is not to change the purpose as outlined in Section 60-144 but to eliminate impediments that have stopped any farm growth in Auburn. Furthermore, the Comprehensive Plan of 2021 states "it is understood that agriculture and forestry may not be profitable in some areas of the city and the existing Agriculture and Resource Protection zoning, in some cases, eliminates the economic use of private land."

In accordance with city ordinance, the city council hereby orders the planning board to render a final decision and recommendation which shall include written findings of fact and shall specify the reason or reasons for such decision or recommendation as it pertains to striking the income requirement and farm accessory dwelling standards within the Agriculture and Resource Protection Zone. This finding shall be returned to the city council no later than 3/20/2023.

City Budgetary Impacts: NA

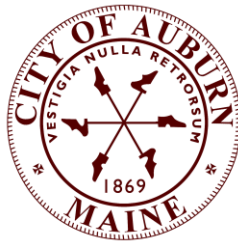
Staff Recommended Action: NA

Previous Meetings and History: September 6, 2022

City Manager Comments: For council consideration.

Signature: 

Attachments: Proposed zoning ordinance change text, Resolve 06-09062022 adopted 9/6/2022 and Order 151-11072022.



City Council Resolve

IN CITY COUNCIL

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

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

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

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

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

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

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

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

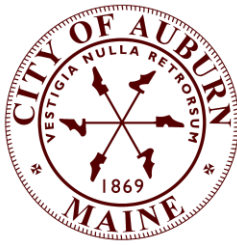
Whereas LD 2003 allows the building of 2 units on a parcel located in an area that allows residences. This State law supersedes local ordinance and will be in effect in July of 2023.

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

Richard Whiting, Ward One
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Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



City Council Resolve

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

Therefore, be it resolved that the City Council directs the Planning Board after consultation from the Sustainability and Natural Resource Management Board to provide an opinion and deliver recommendations to the City Council no later than March 20, 2023 ~~December 15th, 2022~~, on whether or not to eliminate the income standard and the current strip zoning limitations in all areas outside of the Lake Auburn Watershed overlay.

Passage on 9/6/2022 as amended, 5-3 (Councilors Gerry, Whiting, and Staples opposed).

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

Ryan Hawes, Ward Two
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Jason J. Levesque, Mayor

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

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. Use regulations.

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

- (1) One-family detached dwellings ~~except as prohibited by Section 60-952(b), including manufactured housing subject to all the design standards, except the siting requirements of section 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 operations and subject to the following restrictions:~~
 - a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according the most recent census data.~~
 - b. ~~No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed.~~
 - c. ~~In no case shall any farm 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 principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.~~
 - d. ~~Any residence constructed under this article 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 article.~~
- (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.
 - (4) Field crop farms.
 - (5) Row crop farms.
 - (6) Orchard farms.
 - (7) Truck gardens.
 - (8) Plant and tree nurseries.
 - (9) Greenhouses.
 - (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
 - (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 section 60-1501.
- (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.
 - b. 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.
 - c. 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) 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.
- (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:

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- 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.
- (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 requested or is adjacent to the property for which the special exception is requested.
- (18) One-family detached dwellings, ~~including manufactured housing, subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6, article XII of this chapter,~~

on parcels containing greater than 6.1, but less than ten acres, provided that ~~the dwelling is accessory to farming operations and subject to~~ the following restrictions are met:

- a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data; and~~
- b. ~~No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed; and~~
- c. ~~The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:~~
 - 1. ~~The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.~~
 - 2. ~~The parcel can reasonably accommodate the proposed farm.~~
 - 3. ~~The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:~~
 - 4. ~~The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.~~
 - 5. ~~The proposed residence shall be accessory to farming.~~
- a6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.
- bd. The parcel was existing as of October 1, 2017, contains more than five acres of land area, and otherwise meets the requirements of this chapter.
- e. ~~In no case shall any farm 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 principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.~~
- f. ~~Any residence constructed under this article 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 requirement of this article.~~

(19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in section 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.

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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 subsection 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 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 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.

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- 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.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019; Ord. No. 17-11182019, 12-9-2019; Ord. No. 05-05182020, 6-1-2020; Ord. No. 11-03012021, §§ 5, 6, 3-15-2021)

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 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, 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 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 section 60-2.
 - c. A dwelling may be constructed on lots existing as of October 1, 2017 and containing greater than 6.1 acres but less than ten acres, if approved as a special exception pursuant to subsection 60-145(b)(18).
- (2) *Density.* The density of year-round dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1) above.
- (3) *Yard requirements.*

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- a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
 - 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.
- (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.

(Ord. of 9-21-2009, § 3.31C; Ord. No. 18-11182019, 12-9-2019; Ord. No. 11-03012021, §§ 7, 8, 58, 3-15-2021)

Secs. 60-147—60-199. Reserved.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE XII. - ENVIRONMENTAL REGULATIONS
DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

The Lake Auburn Watershed District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

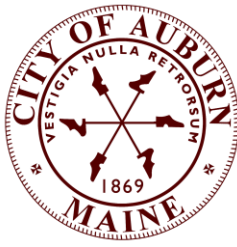
Sec. 60-951. Boundaries and definitions.

The Lake Auburn Watershed District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the city water district on file in the office of the city water district, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed District.

(Ord. of 9-21-2009, § 5.3B)

Sec. 60-952. Use and environmental regulations.

- (a) *Agricultural uses.* All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.
- (b) *New Residential dwellings in the agriculture and resource protection zoning district are prohibited in the Lake Auburn Watershed. Notwithstanding subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), one family detached dwellings are only permitted in the Lake Auburn Watershed District on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses.*



City Council Order

IN CITY COUNCIL

Whereas City of Auburn Council passed resolve 06-09062022.

Whereas the City of Auburn Council intended the resolve to begin an ordinance text amendment process that would deliver a Planning Board recommendation back to Council by March 20, 2023, however, actual text to be considered was not included in the resolve.

Therefore, be it ordered that the City Council directs the Planning Board after consultation from the Sustainability and Natural Resource Management Board to provide an opinion and deliver recommendations to the City Council no later than March 20, 2023, on whether or not to eliminate the income standard and the current strip zoning limitations in all areas outside of the Lake Auburn Watershed overlay as an ordinance text amendment considering the attached proposed text changes.