



City Council Workshop & Meeting
April 3, 2017
Agenda

5:30 P.M. Workshop

- A. Council Questions on CIP (Capital Improvement Plan) – John Bubier and Jill Eastman (45 minutes)
- B. Taylor Pond Project – Jim Pross (35 minutes)

7:00 P.M. City Council Meeting

Roll call votes will begin with Councilor Burns

Pledge of Allegiance

I. **Consent Items** – All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.

1. **Order 29-04032017***

Setting the date for the School Budget Validation Referendum Election for June 13, 2017.

2. **Order 30-04032017***

Approving the time to open the polls at 7:00 A.M. for the June 13, 2017 Election.

II. **Minutes**

- March 20, 2017 Regular Council Meeting

III. **Communications, Presentations and Recognitions**

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

V. **Unfinished Business**

1. **Order 28-03202017**

Amending the City of Auburn 2010 Comprehensive Plan Future Land Use Map for the properties located at 121 Hampshire Street (PID # 250-316) and 127 Hampshire Street (PID # 250-315) from High Density Neighborhood Conservation (HDNC). Public hearing and second reading.

2. **Ordinance 04-03202017**

Adopting the proposed future land use and zone map amendments for 121 and 127 Hampshire Street. Public hearing and second reading.

VI. New Business

3. Ordinance 05-04032017

Amending text for the Adaptive Reuse of a Structure of Community Significance in Chapter 60 of the Auburn Zoning Ordinance. Public hearing and 1st reading.

4. Order 31-04032017

Directing City staff to consult with the Planning Board and develop recommendations to increase the flexibility of the uses allowed in the Agricultural and Resource Protection District regarding schools and equipment sales associated with and complimentary to a recreational use.

VII. Executive Session

VIII. Reports

a. Mayor's Report

b. City Councilors' Reports

c. City Manager Report

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

X. Adjournment

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

- A. Discussion of personnel issues
- B. Discussion or consideration by a school board of suspension of expulsion
- 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 disclosure of the information would prejudice the competitive or bargaining position of the body or agency
- D. Labor contracts
- E. Contemplated litigation
- F. Discussion 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. Consultation between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 3, 2017

Author: Jill M. Eastman

Subject: Capital Improvement Program Presentation for the City and School

Information: The City and School will present the 5 year Capital Improvement Plan. By Charter, the City Council has to adopt the capital plan before the end of the current fiscal year.

Advantages: N/A

Disadvantages: N/A

City Budgetary Impacts: N/A

Staff Recommended Action: Discussion

Previous Meetings and History: March 6, 2017 Workshop

Attachments:



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 3, 2017

Author: Eric J. Cousens, Deputy Director of Economic and Community Development

Subject: Taylor Pond Year Round Water Project

Information: City Councilor James Pross has been approached by constituents of Ward 1 that live between the east side of Taylor Pond and the west side of Hotel Road regarding the seasonal water services and the associated challenges. Public water is only available from May-November affects and that affects their ability and desire to invest in their properties and make them year round homes. Some people have drilled or explored drilling wells with limited success or needed expensive filtration systems to access water during the winter months. Councilor Pross has explored options and would like to present his findings and an option for a year round water system installation that could help existing homes access safe year round water and encourage investments to make more homes in the area year round. Sewer services are already available in this area and it is anticipated that year round water would encourage private investment.

Advantages: Encourage investment and provide safe year round water to residents.

Disadvantages: Potentially Costs

City Budgetary Impacts: TBD

Staff Recommended Action: Listen and discuss

Previous Meetings and History: None

Attachments:



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 3, 2017

Order: 29-04032017

Author: Sue Clements-Dallaire, City Clerk

Subject: Setting June 13, 2017 as the date for the School Budget Validation Referendum Election

Information:

Title M.R.S.A. 20-A, Section 2307 requires Municipalities to conduct a School Budget Validation Referendum Election each year.

Advantages: Consistent with previous years and there is a cost savings when holding this election at the same time as a State election. It also results in better voter turnout.

Disadvantages: While it is not necessarily a disadvantage, if the School Budget Referendum fails, the next election would likely be held at the end of July and failure to approve by July 1 allows operation using the latest budget approved by the City Council until a budget receives final approval.

City Budgetary Impacts: There is a cost savings of approximately \$1,500 by holding this election on the same date as the State Election.

Staff Recommended Action: Recommend passage of this order.

Previous Meetings and History: N/A

Attachments: Order 29-04032017

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 29-04032017

ORDERED, that the City Council hereby sets the date for the School Budget Validation Referendum Election to be Tuesday, June 13, 2017.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: April 3, 2017

Order: 30-04032017

Author: Sue Clements-Dallaire, City Clerk

Subject: Setting the time for opening the polls for the June 13, 2017 Election

Information:

State law requires the Municipal Officers to set the time to open the polls for each election. The polls must be opened no earlier than 6 a.m. and no later than 8 a.m. on election day, except that in municipalities with a population of less than 500, the polls must be opened no later than 10:00 a.m. It is recommended that the polls open at 7:00 A.M. in Auburn for the June 13, 2017 Election.

§626. Polling times

The following provisions apply to polling times at any election.

1. Opening time flexible. The polls must be opened no earlier than 6 a.m. and no later than 8 a.m. on election day, except that in municipalities with a population of less than 500, the polls must be opened no later than 10:00 a.m. The municipal officers of each municipality shall determine the time of opening the polls within these limits. The municipal clerk shall notify the Secretary of State of the poll opening times at least 30 days before each election conducted under this Title.

Advantages: Opening the polls at 7:00 A.M. is consistent with past practice in Auburn and it allows additional time in the morning for people to have an opportunity to vote.

Disadvantages: It is a long day for City Clerk staff and Election Workers who are working the full day.

City Budgetary Impacts: Minimal – the cost for Election workers to start one hour early (under \$100).

Staff Recommended Action: Recommend passage of this order.

Previous Meetings and History: N/A

Attachments:

Order 30-04032017

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 30-04032017

ORDERED, that the City Council hereby sets the time for opening the polls for the June 13, 2017
Election to be 7:00 A.M.

IN COUNCIL REGULAR MEETING MARCH 20, 2017 VOL. 35 PAGE 22

Mayor LaBonté called the meeting to order at 7:04 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

1. **Order 25-03202017***

Approving the temporary sign request for the Auburn Business Association's "Citizen of the Year" signs.

Motion was made by Councilor Burns and seconded by Councilor Walker for passage.
Passage 6-0.

II. **Minutes**

- March 6, 2017 Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Burns for to approve the minutes of March 6, 2017. Passage 5-0-1 (Councilor Stone abstained because he was not present for that meeting).

- March 13, 2017 Special Council Meeting

Motion was made by Councilor Burns and seconded by Councilor Walker for to approve the minutes of March 13, 2017. Passage 5-0-1 (Councilor Stone abstained because he was not present for that meeting).

III. **Communications, Presentations and Recognitions**

- Welcome and Introduction of Peter Crichton the New City Manager of Auburn
- Recognition - St. Dom's Women's Hockey Team (State Championship winners)

IV. **Open Session**

Chief Phil Crowell, and President of the Auburn PAL (Police Activities League) Association noted that he is in the process of submitting an application for the Neighborhood Challenge Program for the Chestnut Street area.

V. **Unfinished Business**

1. **Ordinance 02-03062017**

Adopting the Complete Streets Committee Ordinance. Second reading.

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

Public comment – no one from the public spoke.

Passage 6-0. A roll call vote was taken.

2. **Ordinance 03-03062017**

Adopting the Complete Streets Ordinance. Second reading.

IN COUNCIL REGULAR MEETING MARCH 20, 2017 VOL. 35 PAGE 23

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

Motion was made by Councilor Burns and seconded by Councilor Stone to amend section 5, Exceptions by replacing City Administrator with City Manager.

Passage of amendment 6-0.

Public comment – no one from the public spoke.

Passage of the Ordinance as amended 6-0. A roll call vote was taken.

3. Order 22-03062017

Authorizing the reallocation of unspent proceeds from the City's General Obligation Bonds in the amount of \$42,000 to be used for the renovation of the Parks Garage for a Senior Center. Public hearing and Second Reading. *Requires an affirmative vote of 5 for passage.*

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

Public hearing – Belinda Gerry, 143 Mill St, thanked Council for supporting seniors in Auburn and she talked about the proposed senior center.

Passage 6-0.

VI. New Business

4. Order 26-03202017

Approving the request to waive the business licensing fee for the New Auburn Little League, a non-profit organization (Sherwood Heights and Pulsifer Park) for the 2017 season.

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

Passage 5-1 (Councilor Pross opposed).

5. Order 27-03202017

Adopting the City Property Sale Policy.

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

Public comment – no one from the public spoke.

Motion was made by Councilor Stone and seconded by Councilor Walker to add quarterly reporting to section 3.5 Recommendations.

Passage of the amendment 6-0.

Passage as the Order as amended 6-0.

IN COUNCIL REGULAR MEETING MARCH 20, 2017 VOL. 35 PAGE 24

6. **Order 28-03202017**

Amending the City of Auburn 2010 Comprehensive Plan Future Land Use Map for the properties located at 121 Hampshire Street (PID # 250-316) and 127 Hampshire Street (PID # 250-315) from High Density Neighborhood Conservation (HDNC).

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

Public comment – Jim McPhee and Sophia Nolan, both spoke in favor of passage of the Order. A petition with patron signatures supporting the project was presented and will be placed on file.

Passage 6-0.

7. **Ordinance 04-03202017**

Adopting the proposed future land use and zone map amendments for 121 and 127 Hampshire Street. First reading.

Motion was made by Councilor Titus and seconded by Councilor Burns for passage.

Public comment – no one from the public spoke.

Passage 6-0. A roll call vote was taken.

VII. Executive Session – regarding an Economic Development matter, pursuant to 1 M.R.S.A. §405(6)(A) with possible action to follow (this item was moved from the workshop to the meeting agenda).

Motion was made by Councilor Burns and seconded by Councilor Walker. Passage 6-0. Time in 7:50 PM.

Council was declared out of executive session at 8:31 PM. No action was taken.

VIII. Reports

a. Mayor's Report – reported on attending the National League of Cities, a meeting he attended last week with a consulting firm out of Connecticut that is working with Museum LA, his visit to North Adams, MA. At The Massachusetts Museum of Contemporary Art where Auburn resident Tanja Hollander opened her Art exhibit, and next week he will be meeting with Larry Wold from TD Bank.

b. City Councilors' Reports

Councilor Young – no report

Councilor Pross – reported that a Resolve to establish a committee to look at alternative polling places may be coming forward. Although there have been no incidents of violence or other issues, the School Committee has raised some safety concerns of having polling places in the schools.

Councilor Stone – no report

Councilor Titus – no report

Councilor Walker – reported that the Neighborhood Watch meeting will be held on Thursday the 23rd of March at 6:30 PM at the Sixth Street Congregational Church, the United New Auburn Association will meet next Tuesday, March 28th at 6 PM at Rolly's Diner, with Doug Greene attending as the guest speaker, and COLAC (Coalition Opposed to the Lewiston Auburn Consolidation) will be meeting on Thursday March 30th at the Sixth Street Congregational Church at 7:00 PM.

Councilor Burns – reported that the next meeting of the Edward Little Building Committee will be meeting tomorrow at Auburn Hall at 6 PM.

c. **City Manager Report** – John Bubier, Acting City Manager reported that he has been spending a lot of time working on the budget and touring the city buildings. He had an opportunity to meet with Alan Brigham of the EDA (Economic Development Association) of the Department of Commerce to discuss Sports Tourism and other opportunities including transportation.

d. **Finance Director, Jill Eastman** – February 2017 Monthly Finance Report

Motion was made by Councilor Burns and seconded by Councilor Stone to accept and place on file the February 2017 Monthly Finance Report. Passage 5-0-1 Councilor Walker was not present for this vote.

IX. **Open Session** - No one from the public spoke

X. **Adjournment**

Motion was made by Councilor Young and seconded by Councilor Pross to adjourn, all in favor (Councilor Walker not present at time of vote), time adjourned 8:58 PM.

A True Copy.

ATTEST 
Susan Clements-Dallaire, City Clerk



**City of Auburn
City Council Information Sheet**

Council Meeting Date: April 3, 2017

Order: 28-03202017 and Ordinance: 0403202017

Author: Doug Greene, Urban Development Specialist

Subject: Second Reading and Public Hearing for:
Future Land Use and Zoning Map Amendments for 121 and 127 Hampshire Street, Gowell's Market

Information: Nolin Enterprises, LLC, the owners of Gowell's Market, located at 121 Hampshire Street and currently zoned Neighborhood Business (NB), wish to expand their neighborhood grocery store business by building a 600 s.f. addition to their existing building. The proposed building addition would extend into 127 Hampshire Street, which is also owned by Gowell's Market as well. The current zoning for 127 Hampshire Street is Multi-Family Urban (MFU), which does not allow for commercial or neighborhood business use.

At the request of the property owners, the City Council initiated a Zoning Map Amendment at their January 9, 2017 meeting. That request was then presented to the Planning Board at a public hearing on February 14, 2017. The Staff recommended that the Planning Board consider both an amendment to the Comprehensive Plan's Future Land Use Plan for both 121 and 127 Hampshire Street from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) and a Zoning Map Amendment for 127 Hampshire Street from Multi-Family Urban (MFU) zoning to Neighborhood Business (NB) zoning. The Staff felt the Zoning Map Amendment would be better supported by changing the Future Land Use designation to one that would be in compliance with the Comprehensive Plan. One neighbor spoke during the public hearing, was in support but wanted to be sure that additional screening be added to the rear of his family's property at the time of an application for the building addition, should the zone change be approved.

Advantages: Changing the zoning will allow Gowell's Market to expand, the business will be able offer better service and goods to the neighborhood and the expanded neighborhood business will benefit from the improved walkability and aesthetics created by the Hampshire Street Reconstruction project.

Disadvantages: Should the zone change be approved, the modest building addition of 600 s. f. will slightly increase vehicular and foot traffic. The new building addition will visible from surrounding properties.

City Budgetary Impacts: The expanded new business will increase tax revenues slightly.

Staff Recommended Action: Staff and Planning Board recommend the City Council approve the Future Land Use and Zoning Map Amendments.

Previous Meetings and History: The City Council initiated the Zoning Map Amendment at their January 9, 2017 meeting. On February 14, 2017, the Planning Board voted 6-0 in favor on of a recommendation to the City Council to amend the Future Land Use for 121 and 127 Hampshire Street to Neighborhood Business and a Zoning Map Amendment for 127 Hampshire Street from Multi-Family Urban to Neighborhood Business. A presentation was also made at a City Council workshop on February 27, 2017.

Attachments: 1.) Planning Board Report to the City Council (dated February 22, 2017) with attachments and mapping. 2.) Order and Ordinance by City Council 3.) Staff Memo update to City Council



City of Auburn, Maine

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PLANNING BOARD REPORT to the CITY COUNCIL

To: Mayor LaBonte and Members of the Auburn City Council

From: Douglas M. Greene, AICP, RLA
Urban Development Specialist

Re: A Future Land Use Amendment for 127 Hampshire Street and a Zoning Map Amendment for 121 and 127 Hampshire Street - Gowell's Market

Date: February 22, 2017

SUMMARY - On February 14, 2017, the Auburn Planning Board held a public hearing and took action on a Comprehensive Plan Future Land Use Plan Amendment and a Zoning Map Amendment for properties at 121 and 127 Hampshire Street. The meeting consisted of a staff presentation, a short presentation by the applicant and their representative and comments from one neighbor during the public hearing. After a discussion, the Planning Board voted unanimously 6-0 (Cyr, Poliquin-Pross, Bowyer, Scoggins, Tardif and Vice Chair Philbrick, In Favor; Bellefleur absent) to send recommendations of APPROVAL for both amendments on to the City Council for final action.

PROPOSAL - Based on a request by the owners of 121 and 127 Hampshire Street, (**Attachment 1**) the City Council initiated a Zoning Map Amendment (zone change) at its January 9, 2017 meeting for the Planning Board to consider amending the zoning at 127 Hampshire Street from its current zoning of Multi-Family Urban (MFU) to Neighborhood Business (NB). Gowell's Market, located at 121 Hampshire Street, has served the surrounding area as a neighborhood grocery store for many years. The owners would like to expand their store with a 600 s.f. addition that would extend into the adjacent property at 127 Hampshire Street, which they also own. The current zoning at 127 Hampshire Street is Multi-Family Urban (MFU) and prohibits retail sales, which is the reason for the Zoning Map Amendment request to Neighborhood Business (NB). (**Map 1**)

The 2010 Comprehensive Plan Future Land Use Plan recommends High Density Neighborhood Conservation (HDNC) for the general area (**Map 2**) including 121 and 127 Hampshire Street. The Staff recommended that the Planning Board first amend the 2010 Comprehensive Plan's Future Land Use map for both 121 and 127 Hampshire Street from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) prior to considering the proposed zone change. The second step would be a Zoning Map Amendment for 127 Hampshire Street from Multi-Family Urban (MFU) to Neighborhood Business (NB).

CURRENT CONDITIONS: The property at 121 Hampshire Street (PID # 250-316) is .3 acres in size and has 2 buildings on it: a grocery store/recycling and redemption operation and a 2 story duplex. The grocery store and duplex are both non-conforming structures as they do not meet the front yard building setback of 25 feet and are approximately 5 feet from the street right of way. There is an informal parking/driveway area between the 2 buildings that connect Hampshire Street to Willow Street.

The property at 127 Hampshire Street (PID # 250-315) has a 3 unit apartment building on a .19 acre lot and also has a non-conforming front yard building setback of approximately 5 feet from the street right of way. Both properties are served by public water and sewer. (**Map 3 Aerial**)

DEPARTMENT REVIEW - The Plan Review Committee met on January 18, 2017 and had the following comments:

- a. Police - mentioned it would be good to see improvements made to the informal parking area.
- b. Fire Department - would like more specific information at the time of a building permit application.
- c. Engineering - mentioned the Hampshire Street reconstruction project will positively impact the Gowell's Market by improving the sidewalks and adding new lighting.
- d. Economic and Community Development - would like to work with the owners to have the 600 s.f. building expansion moved closer to the Hampshire Street right-of-way. This action would be consistent with the existing building frontages along Hampshire Street.

PLANNING BOARD ACTION - The Planning Board was asked to make two recommendations to the City Council: (1) amend the Future Land Use Map for 121 and 127 Hampshire Street from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) and (2) for a Zoning Map Amendment for 127 Hampshire Street from Multi-Family Urban (MFU) zone to Neighborhood Business (NB) zone.

1. The February 14th Staff Report (**Attachment 2**) presented references from the 2010 Comprehensive Plan relating to Neighborhood Business, which were incorporated into the findings for recommending approval to amend the Future Land Use for both 121 and 127 Hampshire Street from the High Density Neighborhood Conservation designation to Neighborhood Business. (**See Attachment 2, Section III, A, pages 3 and 4**)
2. The second part of Planning Board consideration was for a zoning map amendment to 127 Hampshire Street from Multi-Family Urban (MFU) to Neighborhood Business (NB). The Staff suggested that if the Planning Board/City Council amended the Future Land Use for 121 and 127 Hampshire Street from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB), that change would make the Zoning Map Amendment request for 127 Hampshire Street to Neighborhood Business in compliance with the Comprehensive Plan's Future Land Use Plan. The staff also presented findings that the zone change request was reasonable and would allow an expansion of an



important service the current Market provides without being detrimental to the surrounding area.

The Staff Report also mentioned another important factor in the support of the Zoning Map Amendment was that the Hampshire Street reconstruction project will be a significant investment in the area, and the improvements made to Hampshire Street will enhance pedestrian safety and convenience to Gowell's Market, which will further the Comprehensive Plan's "policy to support the retention and improvement of these businesses since they offer a valuable service to the City's residents."

IV. PLANNING BOARD PUBLIC HEARING, DELIBERATION AND RECOMMENDATIONS -

During the public hearing portion of the item at the February 14, 2017 meeting, Ken Estes, a family member representing 66 Webster Street, expressed concern about expanding the zoning and commercial use of Gowell's Market. He asked to be notified when building permits were applied for and requested a tall fence be constructed to screen the property at 66 Webster Street. The Staff obtained Mr. Estes contact information and said they would notify him when that time occurred. The Board then closed the public hearing and discussed the case.

The Planning Board discussed the Staff's interest in working with the applicant at the time of a building permit application to move the proposed addition closer to the street, should the zone change be approved. It was agreed that any construction issues were not relevant at this time in the consideration of the zone change, but the Board was interested in staff pursuing that possibility in the future.

A motion was made to forward a recommendation of **Approval** to the City Council to amend the Future Land Plan for 121 and 127 Hampshire Street from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) and to amend the Zoning Map for 217 Hampshire Street from Multi-Family Urban (MFU) to Neighborhood Business (NB) with the following findings on the Future Land Use Amendment:

1. Amending the Future Land Use Plan from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) for 121 Hampshire Street will reflect the existing zoning of Neighborhood Business and its land use as a neighborhood business, which has existed for many years on the property.
2. The existing neighborhood business at 121 Hampshire Street meets the Objectives, Allowed Uses and Development Standards for Neighborhood Business (NB) as stated in the 2010 Comprehensive Plan (Chapter 2 Future Land Use Plan).
3. Amending the Future Land Use Plan from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) for 127 Hampshire Street will meet the goal of the Comprehensive Plan by "support(ing) the retention and

improvement of these businesses since they offer a valuable service to the City's residents" and "The standards also allow for replacing an existing use with a new non-residential use as long as it is appropriate for the neighborhood."

4. Amending the Future Land Use Plan from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) for 127 Hampshire Street will create a future land use designation that is in compliance with the proposed zoning map amendment which, if approved, would allow an expansion of the current neighborhood business at 127 Hampshire Street.
5. The expansion of Gowell's neighborhood business will be limited to 127 Hampshire Street and will be compatible and appropriate for the surrounding neighborhood.
6. The Hampshire Street reconstruction project will improve walkability in the area and support the improvements and expansion of Gowell's Market.

The findings continued for the Planning Board to send a recommendation of **APPROVAL** to the City Council for the Zoning Map Amendment for 127 Hampshire Street from Multi-Family Urban (MFU) to Neighborhood Business (NB) with the following findings:

1. The Zoning Map Amendment for 127 Hampshire Street from Multi-Family Urban (MFU) to Neighborhood Business (NB) will be in compliance with the Future Land Use Plan's designation as Neighborhood Business. (Subject to City Council approval of the Future Land Use Amendment)
2. Amending the Zoning Map for 127 Hampshire Street from Multi-Family Urban (MFU) to Neighborhood Business (NB) will allow an expansion of an existing neighborhood business into 127 Hampshire Street.
3. Expanding the existing neighborhood business into 127 Hampshire Street will meet the Neighborhood Business goal of the 2010 Comprehensive Plan by "*support(ing) the retention and improvement of these businesses since they offer a valuable service to the City's residents.*"
4. The limited expansion of a neighborhood business at 127 Hampshire Street will be compatible with the existing Neighborhood Business.
5. The Hampshire Street reconstruction project will improve walkability in the area and support the improvements and expansion of Gowell's Market.

The motion was approved with a unanimous vote of 6-0. (Cyr, Poliquin-Pross, Bowyer, Scoggins, Tardif and Vice Chair Philbrick, In Favor; Bellefleur absent)


Douglas M. Greene, AICP, RLA
Urban Development Specialist

Cc: Dan Philbrick, Chair Auburn Planning Board
File



Attachment 1

City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: January 9, 2017

Order:

Author: Douglas Greene, Urban Development Coordinator, Department of Economic and Community Development

Subject: Council Initiation of a Zone Change at 127 Hampshire Street

Information: Gowell's Market, a small neighborhood business located at 121 Hampshire Street, would like to expand its operation into an adjacent property that it owns, which is located at 127 Hampshire Street. In order to expand, the adjacent property at 127 Hampshire Street will need to have its zoning changed from Multi-Family Urban (MFU) to Neighborhood Business (NB). Council members Stone and Walker have submitted a Workshop Agenda Item Request Form (attached) requesting the City Council initiate a Zoning Map Amendment (ZOMA) to rezone 127 Hampshire Street to Neighborhood Business. If initiated, the ZOMA would move forward to the Planning Board at their February 14th meeting, for a public hearing and recommendation. The Staff recommends that the Council also include in its initiation motion that the Future Land Use Plan for 127 Hampshire Street be amended from High Density Neighborhood Conservation to Neighborhood Business. This step will then allow the zone change amendment to be in compliance with the Comprehensive Plan.

Advantages: Rezoning the property at 127 Hampshire Street would allow this long time neighborhood business, to expand and become more productive.

Disadvantages: The applicant will need to work with the surrounding property owners and Planning Board to ensure that the new business expansion, if allowed through a zone change, will not be detrimental to the neighborhood.

City Budgetary Impacts: None

Staff Recommended Action: Staff recommends the City Council initiate the zoning map amendment.

Previous Meetings and History: None

Attachments:

1. City Council Workshop Agenda Item Request Form
2. Existing Zoning Map
2. Future Land Use Map (2010 Comprehensive Plan)
3. Excerpt on Neighborhood Business from 2010 Comprehensive Plan

JAMES P. MCPHEE
LAND USE PLANNING & ZONING
72 Hillcrest Street ~ Auburn, Maine 04210
Jamespmcpee@gmail.com ~ 207-783-3963

The subject properties located at 121 and 127 Hampshire Street, Auburn, consist of two lots, tax map parcels 250-316 and 250-315, respectfully. Nolin Enterprises LLC owns both properties. The improvements at 121 Hampshire Street include Gowell's Variety Gowell's) and a two family dwelling. A three family dwelling occupies the 127 Hampshire Street parcel. The proposed project seeks to enlarge Gowell's by, approximately, 600 square feet (20'x 30').

Proposed Project

Nolin Enterprises LLC proposes to enlarge Gowell's by 600 sq ft thru the construction of a 20'x30' addition on the northwesterly side of the building. The purpose for the enlargement is to provide needed sales space and storage. Access to the new space will be from the current sales area and will include an emergency exit, directly to the outside, near the middle of the building making it safer. The nonconforming front yard setback of approximately six feet will be extended to the required twenty-five feet for the addition and the rear yard setback will be within the nonconforming setback currently allowed. At question, is does the expansion extended onto the 127 Hampshire Street parcel, now zoned Multifamily Residential Urban (MFU), outside of the identified boundary of the Neighborhood Business District (NB), by approximately +/- 10' and containing +/- 300 square feet, requires that portion of the lot to be rezoned? See attached Sketch A.

Zoning

The Market parcel is a conforming lot, which satisfies lot area, width, depth, height, density, and parking requirements - see Section 60-472. Lawfully nonconforming setbacks are present for rear, side, and front yards for both the Market and two family dwelling. The adjacent 127 Hampshire parcel is a lawfully nonconforming lot due to insufficient lot depth. There is rear, side, and front yard lawfully nonconforming setbacks on this lot as well. Section 60-38(c) requires that "an abutting conforming and nonconforming lot under one ownership, or joint ownership shall be considered one lot." Based on this, 121 and 127 Hampshire Street, while being separately deeded parcels under single ownership, are, for the purposes of zoning, one lot. Extending this concept to it's conclusion, Gowell's, the two family, and the three family are on the same lot and need to be recognized under a single zone as NB. Deputy Director of Economic and Community Development, Eric Cousins, has confirmed that the adopted description of Auburn's zoning districts list "A lot of land at the intersection of Hampshire Street and Willow Street and identified as tax map parcel 10-2-50" as Neighborhood Business. Tax map parcel 10-2-50 is now 250-316.

The NB Purpose statement, Section 60-470, states, "It is intended that this district be located on lots in areas zoned for residential use." Historically, most NB uses have a residential use within the structure or on the same lot - the two family at 121 Hampshire Street is an example. Buildings used solely as a residence and located on the same lot as a qualifying business have not been allowed to be converted to accommodate another commercial use. This exclusion will not permit the conversion of either the two family or three family dwellings to commercial use.

The Neighborhood Business District is classified as a commercially zoned district and pursuant to Section 60-79(3) allows, "an existing lawfully nonconforming, nonresidential building or structure may be extended or enlarged..." Section (3) expressly provides that "a commercially used building or structure located in a commercially zoned district may be enlarged up to 2,500 square feet or 25 percent of the occupied floor area that now exists, whichever is greater, to a maximum expansion of 5,000 square feet..." According to the Auburn Assessing Department, Gowell's Market contains 2,738 square feet allowing a maximum expansion of 2,262 square feet. The proposed 600 square foot expansion is less than both the maximum of 5,000 square feet and less than the 25 percent of 684 square feet.

Comprehensive Plan Considerations

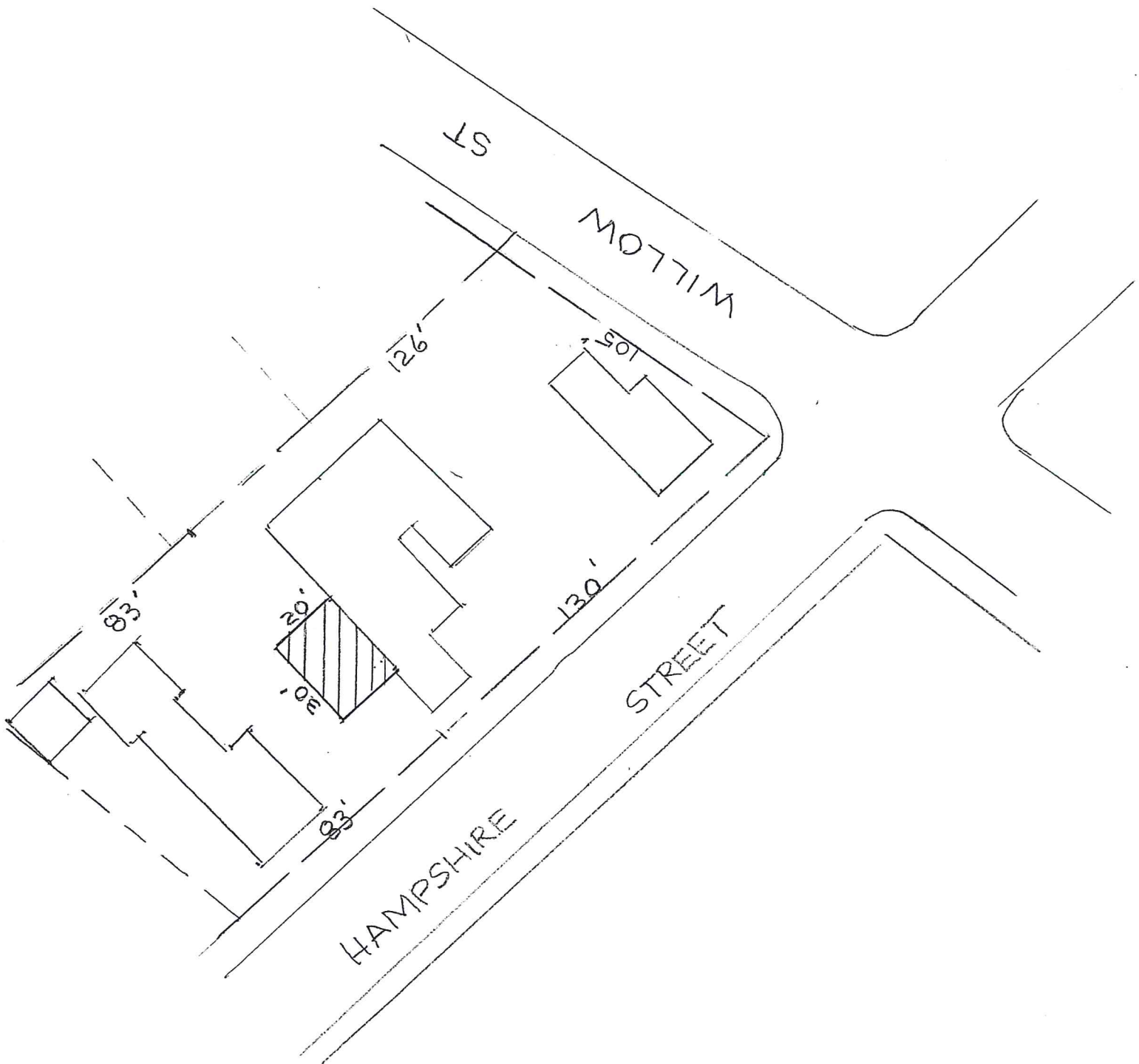
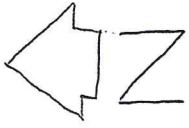
Objective- "The objective of the Neighborhood Business District is to allow for the maintenance, improvement, and the continued commercial use of properties within residential neighborhoods that have been traditionally used for non-residential purposes provided that they are good neighbors and that changes in the property or the use do not increase the adverse impacts on the neighborhood..."

Development Standards - "should allow for the expansion of the building as long as the overall layout and functioning of the site is improved and there is no increase in adverse impacts."

Summary

The properties addressed as 121 and 127 Hampshire Street, parcels 250-316 and 250-315, respectfully, are under the single ownership of Nolin Enterprises LLC, are required to be one lot by zoning, should be identified as one tax map parcel (250-316), and, therefore, the entire property zoned Neighborhood Business. This will result in the elimination of a nonconforming lot (250-315), promotes the Objective and Development Standards of the Comprehensive Plan, will encourage investment in the property, and will support the City's new vision for the Hampshire Street neighborhood.

SKETCH A
121 HAMPSHIRE ST.

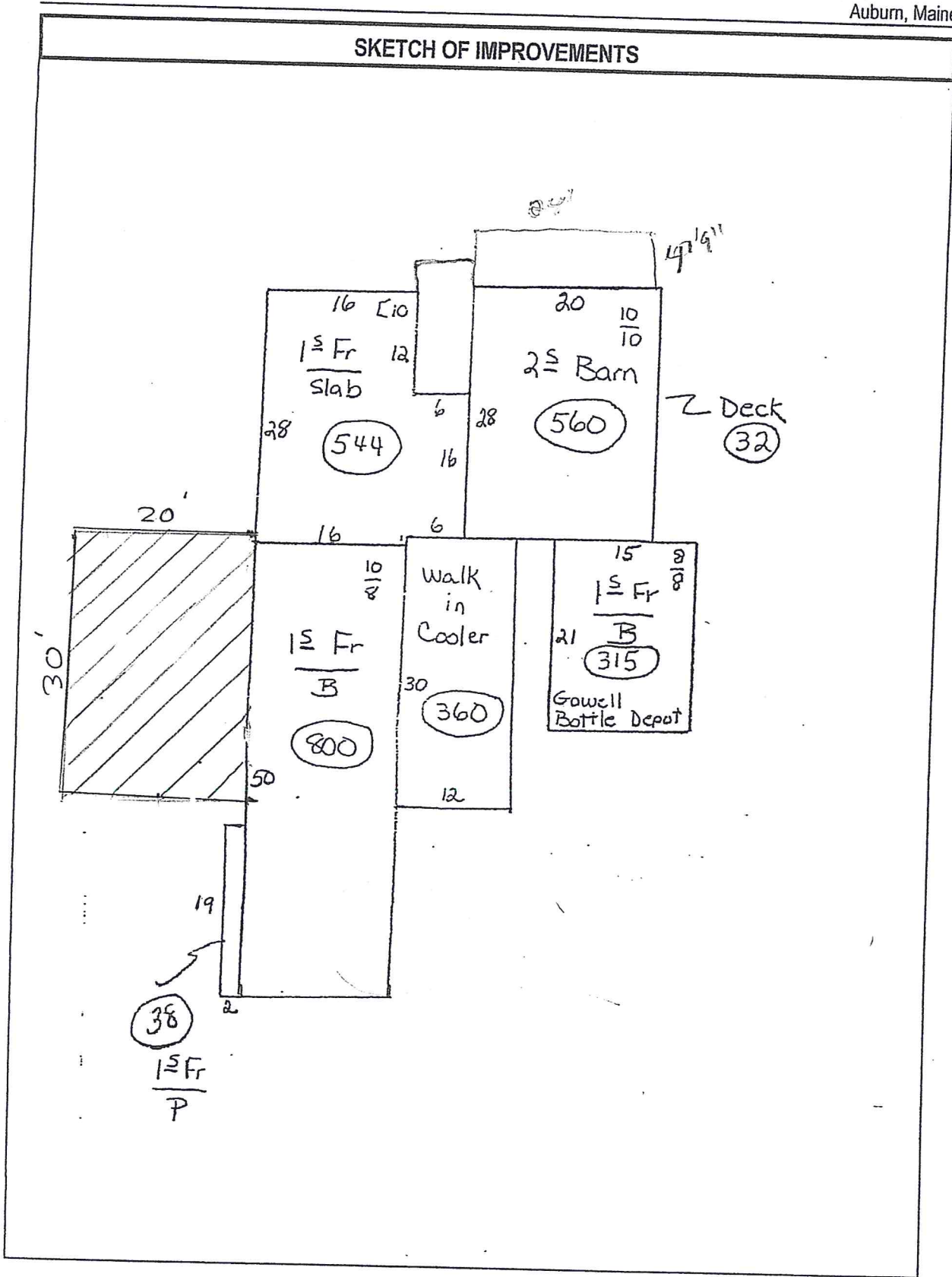


SKETCH B GOWELL'S VARIETY

Page 43

121 Hampshire Street
Auburn, Maine

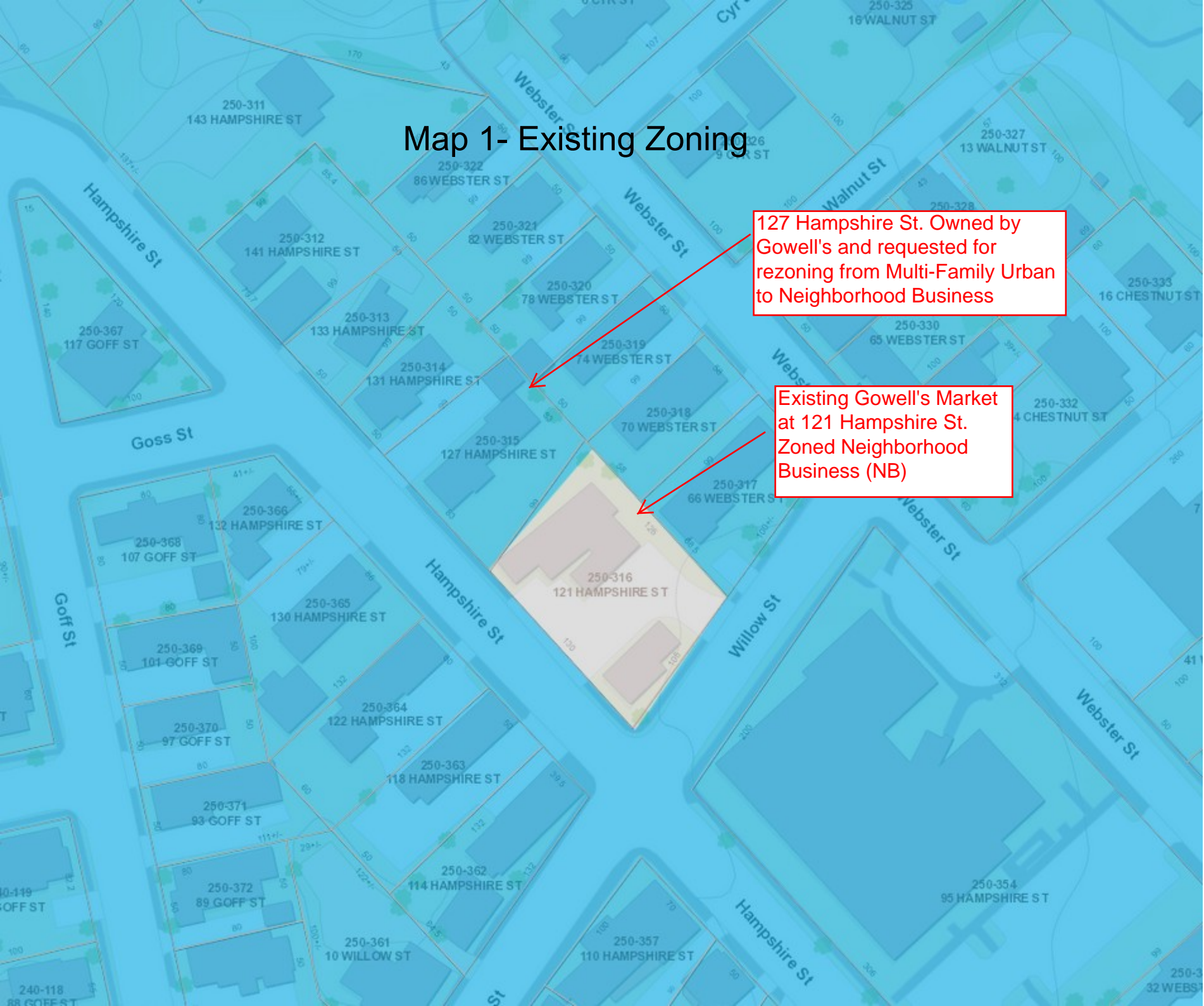
SKETCH OF IMPROVEMENTS



Map 1- Existing Zoning

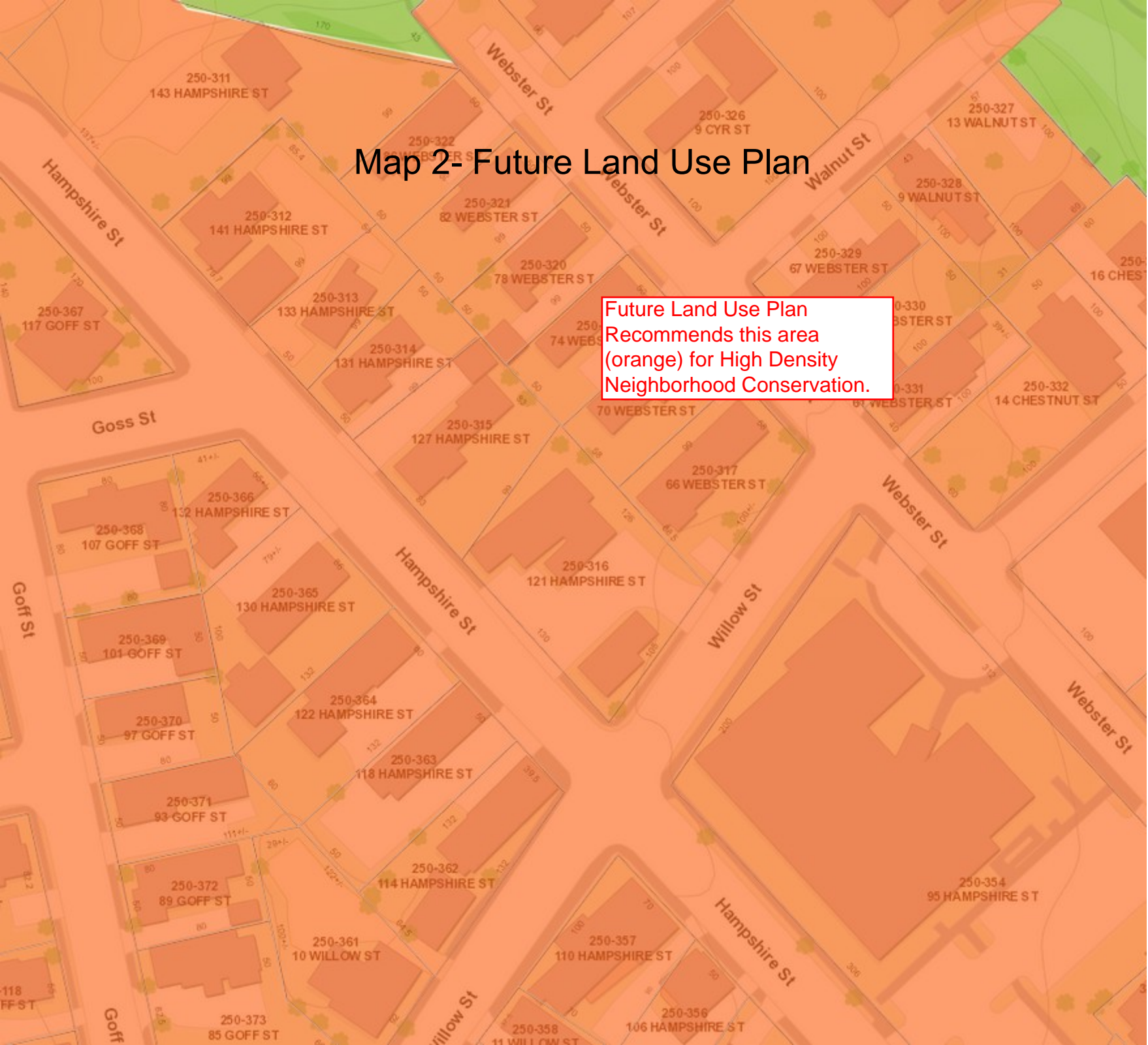
127 Hampshire St. Owned by Gowell's and requested for rezoning from Multi-Family Urban to Neighborhood Business

Existing Gowell's Market at 121 Hampshire St. Zoned Neighborhood Business (NB)

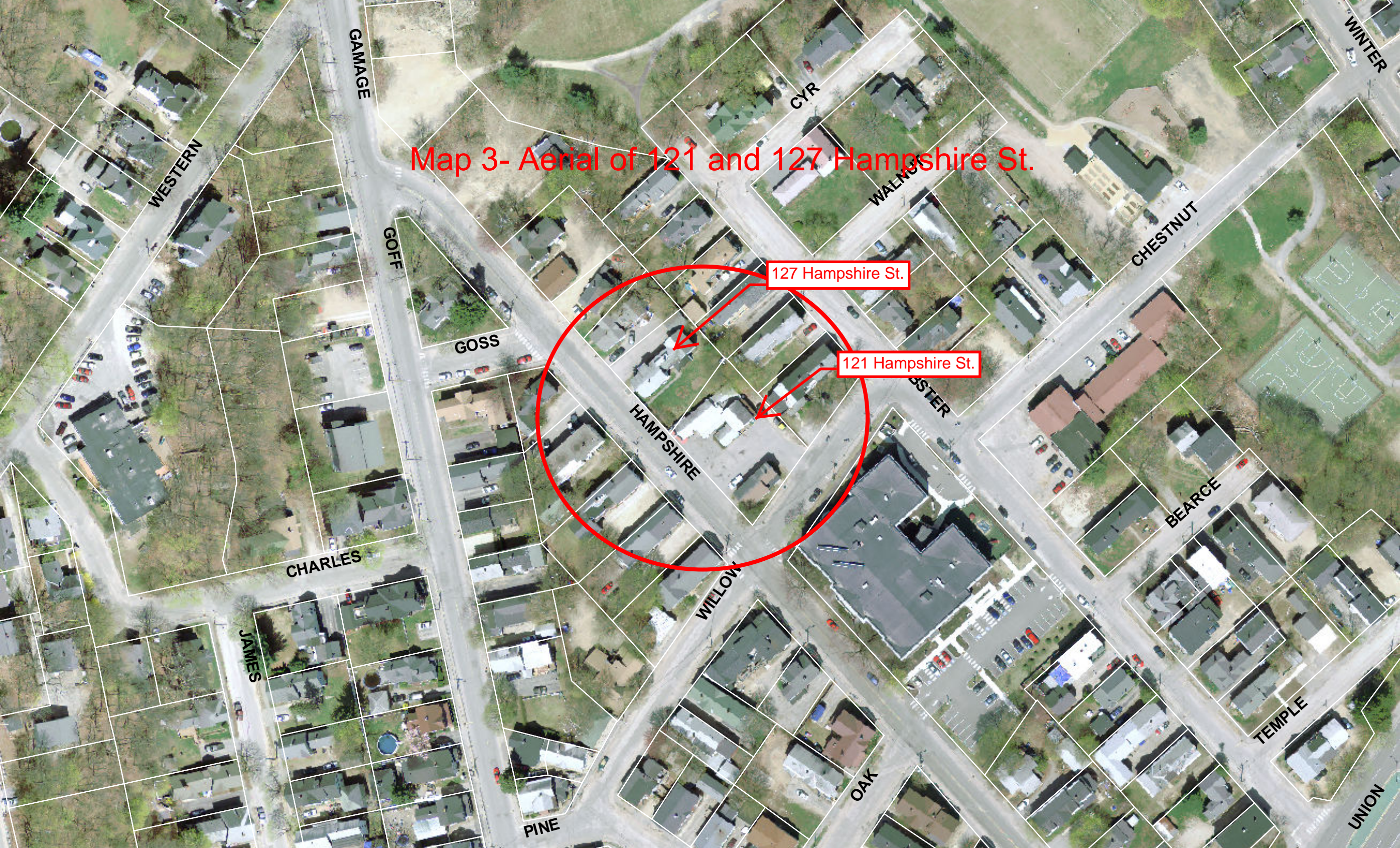


Map 2- Future Land Use Plan

Future Land Use Plan
Recommends this area
(orange) for High Density
Neighborhood Conservation.



Map 3- Aerial of 121 and 127 Hampshire St.



127 Hampshire St.

121 Hampshire St.

GAMAGE

WESTERN

GOFF

GOSS

CYR

WALNUT

CHESTNUT

WINTER

CHARLES

JAMES

HAMPSHIRE

WILLOW

BOSTER

BEARCE

TEMPLE

UNION

PINE

OAK



City of Auburn, Maine

Office of Economic and Community Development
www.auburnmaine.gov 60 Court Street
Auburn, Maine 04210
207.333.6601

PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Douglas M. Greene; AICP, RLA
Urban Development Specialist

Re: A Future Land Use Amendment for 127 Hampshire Street and a Zoning Map Amendment for for 121 and 127 Hampshire Street

Date: February 14, 2017

I. PROPOSAL- Gowell's Market, located at 121 Hampshire Street, has served the surrounding area as a neighborhood grocery store for many years. The owners would like to expand their store with a 600 s.f. addition that would extend into the adjacent property at 127 Hampshire Street that they own. The current zoning at 127 Hampshire Street is Multi-Family Urban (MFU), which prohibits retail sales. The City Council initiated a Zoning Map Amendment at their January 9, 2017 meeting, to change the current zoning at 127 Hampshire Street from Multi-Family Urban (MFU) to Neighborhood Business (NB). (**Attachment 1**)

The property at 121 Hampshire Street is currently zoned Neighborhood Business and the adjacent property at 127 Hampshire Street is zoned Multi-Family Urban (**Map 1**). The 2010 Comprehensive Plan Future Land Use Plan recommends High Density Neighborhood Conservation (HDNC) for the general area (**Map 2**). The Staff recommends that the Planning Board first amend the 2010 Comprehensive Plan's Future Land Use map for both 121 and 127 Hampshire Street from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) prior to considering the proposed Zoning Map Amendment for 127 Hampshire Street from Multi-Family Urban (MFU) to Neighborhood Business (NB).

CURRENT CONDITIONS: The property at 121 Hampshire Street (PID # 250-316) is .3 acres in size and has 2 buildings on it, a grocery store/recycling and redemption operation and a duplex. The grocery store and duplex are both non-conforming structures as they do not meet the front yard building setback of 25 feet and are approximately 5 feet from the street right of way. There is an informal parking/driveway area between the 2 buildings that connect Hampshire Street to Willow Street.

The property at 127 Hampshire Street (PID # 250-315) has a 3 unit apartment building on a .19 acre lot and also has a non-conforming front yard building setback of approximately 5 feet from the street right of way. Both properties are served by public water and sewer. (**Map 3 Aerial**)

It is important to note that a reconstruction project for Hampshire Street will take place in the near future. The project area goes from Goff Street to Turner Street and will make significant improvements to sidewalks, cross-walks, lighting and landscaping. The City is investing in making Hampshire Street a high quality pedestrian friendly street using State and Federal funds as well as additional CDBG funding to do a first class improvement. A goal of the project is to promote private reinvestment and improve the quality of life in the neighborhood. The Gowell's project and its high numbers of walk in customers accessing additional products and food within the neighborhood is very complementary to City efforts and should not only be allowed but encouraged.

II. DEPARTMENT REVIEW- The Plan Review Committee reviewed the Gowell's Market zone change at their January 18, 2017 meeting. The Staff presented the zone change request and a sketch plan for the proposed building addition.

- a. Police- Tim Cogle mentioned it would be good to see improvements made to the informal parking area.
- b. Auburn Water and Sewer- No Comments
- c. Fire Department- The Fire Department would like more specific building plan information before issuing any permits or approvals. Staff mentioned that this was only a zone change and not a request for a building permit.
- d. Engineering- Mentioned the Hampshire Street reconstruction project will positively impact the Gowell's Market by improving the sidewalks and adding new lighting.
- e. Economic and Community Development- Would like to work with the owners to have the 600 s.f. building expansion moved closer to the Hampshire Street Right-of-Way. This action would be consistent with the existing building frontages along Hampshire Street.

III. PLANNING BOARD ACTION- The Planning Board is being asked to make recommendations to the City Council on amending the Future Land Use for 121 and 127 Hampshire Street from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB), and for a Zoning Map Amendment for 127 Hampshire Street from Multi-Family Urban (MFU) zone to Neighborhood Business (NB) zone.

A. FUTURE LAND USE PLAN AMENDMENT-

The 2010 Comprehensive Plan's Future Land Use Map for the 121 and 127 Hampshire Street is High Density Neighborhood Conservation. This designation is appropriate for the general area; however, it does not acknowledge the existing Neighborhood Business zoning on the property or the long standing neighborhood grocery store use, which would like to expand.

The 2010 Comprehensive Plan speaks to Neighborhood Business as follows:

(From Goals, Policies and Strategies, Chapter 1)

4. Neighborhood Business Districts

The City has a number of neighborhood businesses that are located within residential neighborhoods. It is the City's policy to support the retention and improvement of these businesses since they offer a valuable service to the City's residents. It is also the City's policy to encourage the owners of these properties to reinvest in maintaining and improving these buildings. To accomplish these objectives, the Future Land Use Plan (see Chapter 2) designates these properties as Neighborhood Business Districts. The standards for these districts allow the existing nonresidential use to be maintained and improved, as long as it is compatible with the surrounding neighborhood. The standards also allow for replacing an existing use with a new nonresidential use (other than service stations and auto service facilities), as long as it is appropriate for the neighborhood. The primary objective in creating these districts is to encourage the retention of these neighborhood businesses. As long as the property includes nonresidential space, whether occupied or not, the property should remain in the Neighborhood Business District to allow re-occupancy by an appropriate nonresidential use. However, if a property is converted to a residential use, it is the City's policy that the City should rezone the property to eliminate the Neighborhood Business District. (pages 71 and 72, 2010 Comprehensive Plan- Chapter 1: Goals, Policies and Strategies)

(From Future Land Use Plan, Chapter 2)

Neighborhood Business District (NB)

Objective – *The objective of the Neighborhood Business District is to allow for the maintenance, improvement, and continued commercial use of properties within residential neighborhoods that have been traditionally used for nonresidential purposes, provided that they are good neighbors, and that changes in the property or the use do not increase the adverse impacts on the neighborhood (see Figure 2.3). Properties that are zoned Neighborhood Business should continue to be zoned for commercial use as long as they continue to be used for appropriate nonresidential purposes. If the property is converted to a residential use, it should be rezoned to remove it from the neighborhood business district.*

Allowed Uses – *The following types of uses should be allowed in the Neighborhood Business District provided they do not result in an increase in the adverse impacts on the surrounding neighborhood:*

- residential uses of the type allowed in the surrounding neighborhood
- personal services
- small retail uses
- existing service stations and auto service facilities
- community services and government uses

Service stations and auto service facilities existing as of 2009 should continue to be allowed uses and should be allowed to modernize, but the establishment of a new service station or auto service facility in the Neighborhood Business district should not be permitted. Before an existing nonresidential use is replaced by a new nonresidential use, it should be required to demonstrate that it will not increase the adverse impact on the surrounding neighborhood.

Development Standards – *The development standards should reflect the existing pattern of development with respect to setbacks. The standards should allow for the expansion of the building as long as the overall layout and functioning of the site is improved, and there is no increase in adverse impacts. (pages 105 and 106; 2010 Comprehensive Plan- Future Land Use Plan Chapter 2)*

STAFF COMMENTS- It is clear that 2010 Comprehensive Plan's Goals and Future Land Use Plan supports preserving, maintaining and in appropriate cases, expanding (if compatible to the neighborhood) neighborhood businesses. Gowell's Market has provided a valuable service to the neighborhood for many years and the owner's plan to expand and improve service are worthy of staff support. Amending both 121 and 127 Hampshire Street properties from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) meets the goals and intent of the 2010 Comprehensive Plan for Neighborhood Business and will allow the associated Zoning Map Amendment to be approved by being in agreement with the Comprehensive Plan Land Use Map. In addition, 121 Hampshire Street is zoned Neighborhood Business which is not reflected on the Future Land Use Map.

B. ZONING MAP AMENDMENT- The proposed Zoning Map Amendment for 127 Hampshire Street from Multi-Family Urban (MFU) to Neighborhood Business (NB) is supported by the 2010 Comprehensive Plan's Goals, Policies and Strategies and Land Use Plan as referenced previously. Should the Future Land Use Plan be amended for both 121 and 127 Hampshire Street to Neighborhood Business, the proposed zone change for 127 Hampshire to Neighborhood Business would then be in agreement with the Future Land Use Plan. In addition, the proposed zone change would allow Gowell's Market to expand, make improvements to the existing neighborhood business, provide improved services to the neighborhood and still allow the existing residential uses on 121 and 127 Hampshire Street to continue as conforming uses.

STAFF COMMENTS- Amending the Future Land Use for 121 and 127 Hampshire Street to from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) will make the Zoning Map Amendment request for 127 Hampshire Street to Neighborhood Business compatible and in compliance with the Comprehensive Plan's Future Land Use Plan. The zone change request will allow a reasonable expansion of an important service the current Market provides without being detrimental to the surrounding area.

Another important factor in the support of the Zoning Map Amendment is the Hampshire Street reconstruction project. The investments and improvements made to Hampshire Street will enhance pedestrian safety and convenience to Gowell's Market which will further the



Comprehensive Plan's "policy to support the retention and improvement of these businesses since they offer a valuable service to the City's residents."

IV. STAFF RECOMMENDATIONS-

A. FUTURE LAND USE PLAN AMENDMENT-

The Staff recommends the Planning Board send a recommendation of **APPROVAL** to the City Council to amend the Future Land Plan for 121 and 127 Hampshire Street from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) with the following findings:

1. Amending the Future Land Use Plan from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) for 121 Hampshire Street will reflect the existing zoning of Neighborhood Business and its land use as a neighborhood business, which has existed for many years on the property.
2. The existing neighborhood business at 121 Hampshire Street meets the Objectives, Allowed Uses and Development Standards for Neighborhood Business (NB) as stated in the 2010 Comprehensive Plan (Chapter 2 Future Land Use Plan).
3. Amending the Future Land Use Plan from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) for 127 Hampshire Street will meet the goal of the Comprehensive Plan by "support(ing) the retention and improvement of these businesses since they offer a valuable service to the City's residents" and "The standards also allow for replacing an existing use with a new non-residential use as long as it is appropriate for the neighborhood."
4. Amending the Future Land Use Plan from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) for 127 Hampshire Street will create a future land use designation for the Comprehensive Plan and be compatible and in compliance for the proposed zoning map amendment, which if approved, would allow an expansion of the current neighborhood business at 127 Hampshire Street.
5. The expansion of Gowell's neighborhood business will be limited to 127 Hampshire Street and will be compatible and appropriate for the surrounding neighborhood.
6. The Hampshire Street reconstruction project will improve walkability in the area and support the improvements and expansion of Gowell's Market.

B. ZONING MAP AMENDMENT-

The Staff recommends the Planning Board send a recommendation of **APPROVAL** to the City Council for the Zoning Map Amendment for 127 Hampshire Street from Multi-Family Urban (MFU) to Neighborhood Business (NB) with the following findings:

1. The Zoning Map Amendment for 127 Hampshire Street from Multi-Family Urban (MFU) to Neighborhood Business (NB) will be in compliance with the Future Land Use Plan's designation as Neighborhood Business. (Subject to City Council approval of the Future Land Use Amendment)

2. Amending the Zoning Map for 127 Hampshire Street from Multi-Family Urban (MFU) to Neighborhood Business (NB) will allow an expansion of an existing neighborhood business into 127 Hampshire Street.
3. Expanding the existing neighborhood business into 127 Hampshire Street will meet the Neighborhood Business goal of the 2010 Comprehensive Plan by “support(ing) the retention and improvement of these businesses since they offer a valuable service to the City’s residents.”
4. The limited expansion of a neighborhood business at 127 Hampshire Street will be compatible to the existing Neighborhood Business.
5. The Hampshire Street reconstruction project will improve walkability in the area and support the improvements and expansion of Gowell’s Market.



Douglas M. Greene, A.I.C.P., R.L.A.
Urban Development Specialist

C: File



City of Auburn, Maine

Office of Economic and Community Development

60 Court Street, Auburn, Maine 04210

www.auburnmaine.gov

207.333.6601

To: Mayor LaBonte and Members of the City Council

From: Doug Greene, AICP, RLA, Urban Development Specialist 

Date: March 30, 2017

RE: Update on Gowell's Market Zone Change

The Staff would like to provide an update to the City Council in its packet of information for the Gowell's Market zone change. The Staff has received 2 comments from property owners adjacent to the properties under consideration for the zone change.

The first came via a phone call from a neighbor who lives behind the Gowell's Market and wished to remain anonymous. She complained about snow from 127 Hampshire Street being plowed up against her property and having runoff from the melting snow damaging her garage. She also mentioned runoff from a garage on 127 Hampshire Street coming on to her property as well.

The second complaint came from Mr. Ken Estes, who sent the following in an email to Councilman Leroy Walker.

"Gentlemen;

Since I was unable to attend the council meeting of March 20, 2017 I am sending this note to all of you to help you understand my position and to aid in you in making a decision regarding the Petition from Gowell's Market to support the planned expansion of their business for which you must make a decision to support or deny.

Having the unique position of being Gowell's ONLY next door neighbor whose property abuts directly to the rear of their properties current parking lot I would like to offer my position and opinion on this expansion....while there is no real objection to the expansion itself, the impact of its effect is my concern. The part of the store itself that abuts me is the bottle store, this part is directly responsible for a large portion but obviously not all of the TRUCK traffic that comes in from the Willow St side of the driveway this along with lots of auto traffic coming in from both sides using the driveway for a shortcut to/from Hampshire to Willow while sometimes stopping to shop at the store. This truck traffic is to both deliver product to the store and to pickup empties from the bottle store. The bottle store is the chief offender since the Truck traffic to/from this location is a daily occurrence of minimum of one truck often more, but the store part is not without its own share of truck traffic which is also daily due to the delivery of product these trucks often park on Hampshire street but the larger of these are in the parking lot...sometimes tractor/trailer type trucks which are seldom seen in most residential areas.

This is quite annoying since they most times leave the trucks running creating a disturbance with their sound and smoke. This constant barrage of annoyance is beyond what anyone in a residential area should have to endure. I fear that with the expansion this will not abate but rather increase due to the increased volume, since I do not believe the proprietors are expanding the property without reason. I expect more trucks could result. In addition the Trash/Garbage receptacles directly abut my yard since they both are right on my fence creating their own circumstance of sound and smell.

That said the only recourse I have is to oppose the project. While I understand there is strong support from the public via the petition and I do not wish to make an enemy out of this neighbor, rather just some consideration from them.

I am asking that you put yourself in my position when deliberating this action and to ask you yourself how would I like it if circumstances put yourselves in the position that I find myself in that is the constant barrage of noise of truck and other traffic....I have lived in this part of the house for quite some time both as a child and now as an adult and have seen the expansion of this store over the years not a vision shared by my grandfather who was the original operator of this business about 100 years ago. So now I place myself in your hands to do what is right and at a minimum have the operator of Gowell's put up a tall fence separating the store parking lot from my house which hopefully will reduce the sound, smell etc I am being subjected to. Thank you for your consideration.

Ken Estes
22 Willow St.
Auburn"

Mr. Estes also spoke at the Planning Board public hearing for this application at its February 14, 2017 meeting and was noted in the Planning Board report to the City Council.

The Staff would like to respond to both complaints by committing to work with the owners and neighbors to address the complaints at the Site Plan Review stage. Storm and snowmelt runoff, screening and truck noise issues can be resolved through mitigation actions. Nolin Enterprises, LLC, the owners of 121 and 127 Hampshire Street have been notified of the complaints and agreed to work with their neighbors to resolve their concerns.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 28-03202017

ORDERED, that the City Council hereby amends the City of Auburn 2010 Comprehensive Plan Future Land Use Map for the properties located at 121 Hampshire Street (PID # 250-316) and 127 Hampshire Street (PID # 250-315) from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB).



**City of Auburn
City Council Information Sheet**

Council Meeting Date: April 3, 2017

Order: 28-03202017 and Ordinance: 0403202017

Author: Doug Greene, Urban Development Specialist

Subject: Second Reading and Public Hearing for:
Future Land Use and Zoning Map Amendments for 121 and 127 Hampshire Street, Gowell's Market

Information: Nolin Enterprises, LLC, the owners of Gowell's Market, located at 121 Hampshire Street and currently zoned Neighborhood Business (NB), wish to expand their neighborhood grocery store business by building a 600 s.f. addition to their existing building. The proposed building addition would extend into 127 Hampshire Street, which is also owned by Gowell's Market as well. The current zoning for 127 Hampshire Street is Multi-Family Urban (MFU), which does not allow for commercial or neighborhood business use.

At the request of the property owners, the City Council initiated a Zoning Map Amendment at their January 9, 2017 meeting. That request was then presented to the Planning Board at a public hearing on February 14, 2017. The Staff recommended that the Planning Board consider both an amendment to the Comprehensive Plan's Future Land Use Plan for both 121 and 127 Hampshire Street from High Density Neighborhood Conservation (HDNC) to Neighborhood Business (NB) and a Zoning Map Amendment for 127 Hampshire Street from Multi-Family Urban (MFU) zoning to Neighborhood Business (NB) zoning. The Staff felt the Zoning Map Amendment would be better supported by changing the Future Land Use designation to one that would be in compliance with the Comprehensive Plan. One neighbor spoke during the public hearing, was in support but wanted to be sure that additional screening be added to the rear of his family's property at the time of an application for the building addition, should the zone change be approved.

Advantages: Changing the zoning will allow Gowell's Market to expand, the business will be able offer better service and goods to the neighborhood and the expanded neighborhood business will benefit from the improved walkability and aesthetics created by the Hampshire Street Reconstruction project.

Disadvantages: Should the zone change be approved, the modest building addition of 600 s. f. will slightly increase vehicular and foot traffic. The new building addition will visible from surrounding properties.

City Budgetary Impacts: The expanded new business will increase tax revenues slightly.

Staff Recommended Action: Staff and Planning Board recommend the City Council approve the Future Land Use and Zoning Map Amendments.

Previous Meetings and History: The City Council initiated the Zoning Map Amendment at their January 9, 2017 meeting. On February 14, 2017, the Planning Board voted 6-0 in favor on of a recommendation to the City Council to amend the Future Land Use for 121 and 127 Hampshire Street to Neighborhood Business and a Zoning Map Amendment for 127 Hampshire Street from Multi-Family Urban to Neighborhood Business. A presentation was also made at a City Council workshop on February 27, 2017.

Attachments: 1.) Planning Board Report to the City Council (dated February 22, 2017) with attachments and mapping. 2.) Order and Ordinance by City Council 3.) Staff Memo update to City Council

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



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

Jonathan P. LaBonte, Mayor

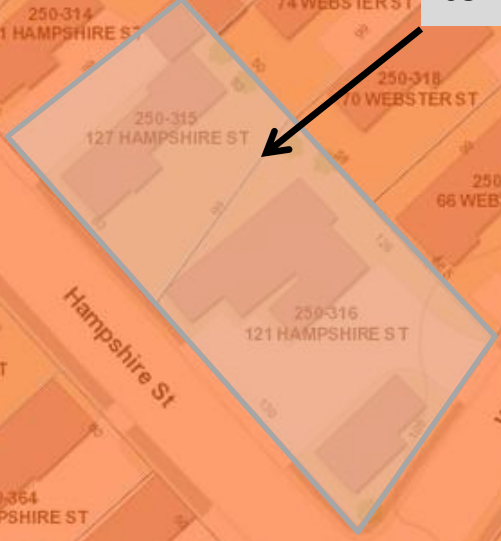
IN CITY COUNCIL

ORDINANCE 04-03202017

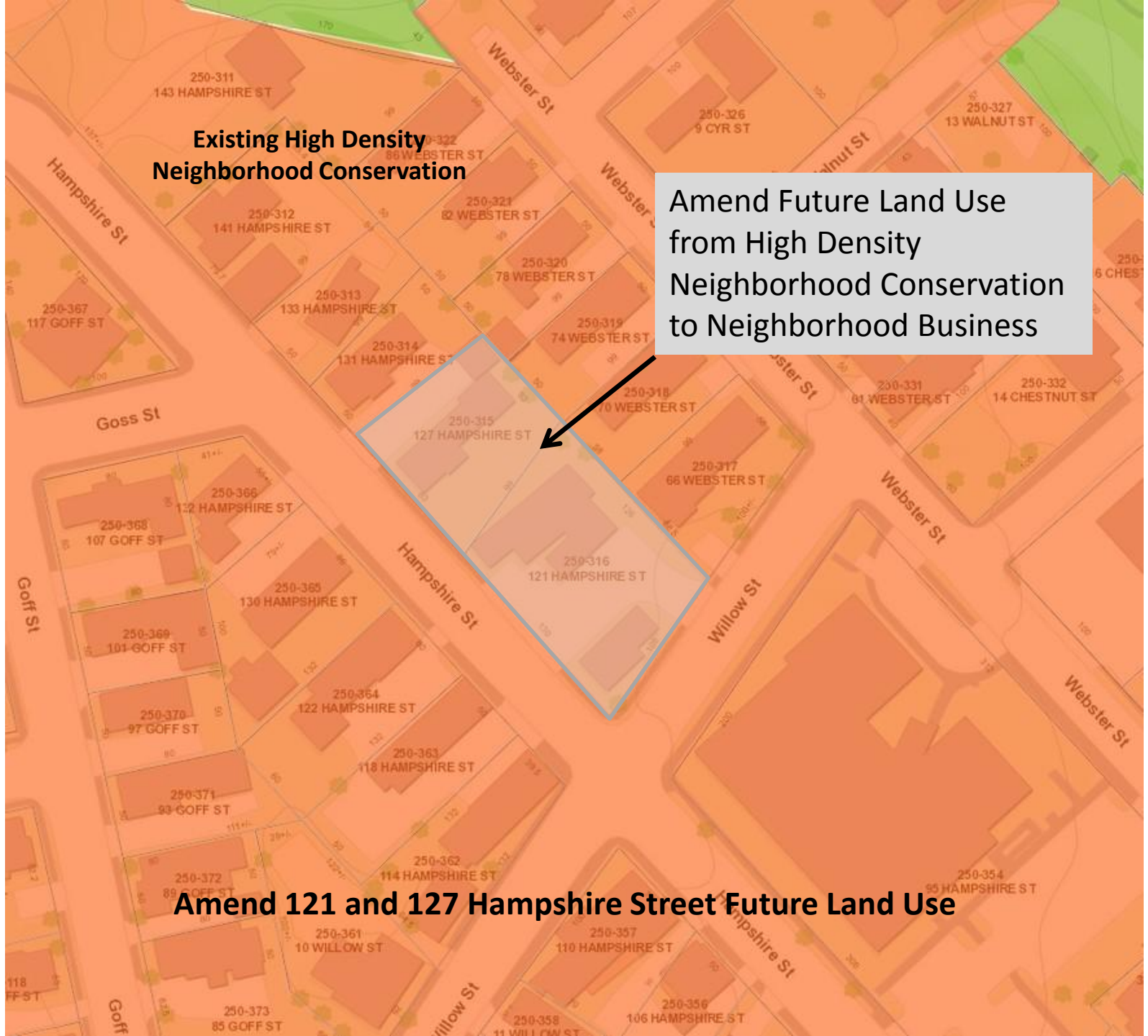
BE IT ORDAINED, that the City Council hereby amend the City of Auburn Zoning Map for the property located at 127 Hampshire Street (PID # 250-315) from Multi-Family Urban (MFU) to Neighborhood Business (NB).

**Existing High Density
Neighborhood Conservation**

Amend Future Land Use
from High Density
Neighborhood Conservation
to Neighborhood Business



Amend 121 and 127 Hampshire Street Future Land Use





**City of Auburn
City Council Information Sheet**

Council Workshop Date: April 3, 2017

Ordinance: 05-04032017

Author: Doug Greene, Urban Development Specialist

Subject: Text Amendment for the Adaptive Reuse of a Structure of Community Significance

Information: Currently, certain buildings of a historic, social or culturally significance are prevented from redevelopment or re-use due to existing zoning restrictions. This text amendment would allow the Planning Board to consider making the Adaptive Reuse of Structures of Community Significance to become a Special Exception and allow qualifying structures to be adapted to be reused in ways that the zoning ordinance does not normally allow. The text amendment also includes a provision to waive the application fees.

Advantages: This text amendment would further the objectives of the Comprehensive Plan, prevent demolition of structures that do not function under current economic or regulatory conditions, protect and preserve our community's cultural and historic character and bring important unused buildings back into productive use.

Disadvantages: A Special Exception must meet 7 criteria in order to be approved by the Planning Board. Any applicant will have to prove that the Adaptive Reuse will not be detrimental to the surrounding area and neighborhood.

City Budgetary Impacts: Waiving application fees for a Special Exception (\$500) is a minor loss of city revenues when compared to increased tax revenues and putting a non-productive property and structure back into use for the community.

Staff Recommended Action: Staff recommends APPROVAL.

Previous Meetings and History: The Planning Board worked on the first draft for over a year (2015-2016). The new, second draft was worked on by the Planning Board for 3 meetings in 2016. The Planning Board scheduled a public hearing for Tuesday, March 14, 2017, which was cancelled due to the weather and was held on, Tuesday, March 21, 2017.

Attachments:

1. Memo and text amendment from Doug Greene, Urban Development Specialist and Michael Malloy, City Attorney (March 21st Planning Board Meeting)
2. Information Sheet
3. Planning Board Report to the City Council, from their March 21, 2017 meeting
4. List of changes to Auburn Zoning Ordinance
5. Ordinance by City Council



City of Auburn, Maine

Office of Economic and Community Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

To: Auburn Planning Board

From: Douglas M. Greene, Urban Development Specialist
Michael S. Malloy, Esq., The Malloy Firm

Date: March 14, 2017

RE: Ordinance Revisions: Adaptive Reuse

The Challenge.

As the Planning Board knows, the City's zoning ordinance has, in some instances, frustrated efforts to convert historic structures to new uses. Special buildings that have served important roles in the community are in danger of being demolished because of use restrictions. This can require property owners or prospective property owners to incur expense and uncertainty. To reduce these barriers and to increase the likelihood that Auburn's historic buildings will be preserved and put to productive use, City staff have proposed amending the zoning ordinance to allow for the Planning Board to grant a special exception, allowing qualifying structures to be adapted for new uses that, while not expressly permitted by the permitted uses of their zone, are deemed to be in furtherance of the objectives stated in the City's Comprehensive Plan adopted April 11, 2011 (the "Comp. Plan").

Based on the Planning Board's discussion at their December 13, 2016 and January 10, 2017 meetings regarding Adaptive Reuse, the Staff is submitting this revised text amendment, as well as additional considerations for the Board to discuss.

Justification for Adaptive Reuse Exception: Preserving Auburn's History and Culture.

Preserving Auburn's history and culture has long been a City planning priority, as stated in the Com. Plan's policies designed encouraging the preservation of historically significant properties.

Historic and Archeological Policies:

Goal D.1: Preserve Auburn's history by maintaining and enhancing historic and archeologically significant sites and structures throughout the community.

Comp. Plan at 29.

***Objective D.1.1.:** Strengthen efforts to identify, protect, and preserve all local, state, and federally significant historic buildings, features, and sites throughout Auburn.*

Comp. Plan at 30.

***Strategy D.1.1.d:** Review and update the historic resource standards in the City zoning ordinance that are used in the review of development applications. The review should include an analysis of the preservation tools available that could help enhance the protection of historic properties throughout Auburn. The City should implement those preservation tools that protect historically significant buildings without placing undue burdens or costs on property owners.*

Comp. Plan at 30.

It is therefore appropriate for the Planning Board to consider ways to increase the likelihood that historically significant buildings will be saved from the wrecking ball. The preservation of these buildings can have multiple positive benefits:

- **Environmental:** Preservation is a sustainable action, one that conserves energy. Demolition and new construction requires large amounts of energy but also destroys the past energy investment in the building.
- **Cultural:** By preserving historic or iconic structures, we are able to share and reuse the very spaces and environments in which the generations before us lived. Preservation is the visual and tangible conservation of our cultural identity.
- **Economic:** Preserving older buildings can be a foundation of economic development programs. Special buildings of community significance can help create vibrant, cultural downtowns and neighborhoods that draw tourism, art, festivals, and other activities which in turn draw investment, revenue, and economic growth.

The Saint Louis church is one, but not the only, example of a structure of historic and cultural significance, whose reuse has proved challenging under our existing ordinance. After serving as the Catholic Church in New Auburn for close to 100 years, the Diocese closed the church due to low attendance, and the building was sold to a local group looking to find other productive uses for it. However, the activities currently permitted in the Multi-Family Urban Zone in which the building is located have frustrated the new owner's attempts to find a new use for this property.

The Proposed Solution:

The Planning Department proposes creating a new special exception category that would allow the owner of a qualifying property to petition the Planning Board, through the existing site plan review process, to obtain a special exception to the uses that are customarily permitted in the zoning district where the property is located. This would allow the Planning Board to



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consider each request on a case-by-case basis, and determine whether the structure is of such historical or cultural significance that its permitted uses should be broadened in order to facilitate the building's preservation and reuse. As presented here, a property owner would be required to pay the customary site plan review fees and submit the customary supporting information and documents about the property. *See* Sec. 60-1278 (site plan review is required for all special exception requests). As you know, site plan review can entail submission of a detailed file, including plans and detailed descriptions of the proposed reuse. Sec. 60-1300, Sec. 60-1301. A fee of \$500 is also assessed. Auburn Maine Code of Ordinances, Appendix A.

We suggest adding two definitions in Section 60-2 of the zoning ordinance: (1) a *Structure of Community Significance*, and (2) *Adaptive Reuse*, defined as follows:

Structure of Community Significance means a Building that by virtue of its historic, social, cultural or economic contribution to the community, as determined by the Planning Board, is entitled to a Special Exception allowing its Adaptive Reuse. The Planning Board may consider a Building's age, as well as any evidence of its role in the historic, social cultural, or economic history of the community, in determining whether a Building qualifies for this designation.

Adaptive Reuse means a Special Exception permitting a Structure of Community Significance to be used for one or more purposes, not otherwise permitted in the District in which the Building is located, but which the Planning Board has determined will contribute to the preservation of a Structure of Community Significance, including without limitation, the following uses:

- a) Bed and breakfast homes or inns;
- b) Restaurants, diners or cafes;
- c) Art studios and galleries;
- d) Performing arts centers;
- e) Medical and dental clinics;
- f) Office space;
- g) Municipal and government uses; and
- h) Retail sales as an accessory use.

Once these definitions are added, they could then be incorporated into the list of Special exceptions permitted in any District that you deem appropriate. This can be done in two ways. The first would be to add *Adaptive Reuse of Structure of Community Significance* as a special exception in the Low Density Rural Residential zone. By reference, this would also allow the

special exception to be made in additional zones that incorporate those special exceptions that are permitted in the Low Density Rural Residential zone (which are the Suburban Residence, Urban Residence, Multifamily Suburban, and Multifamily Urban Districts).¹ This approach requires fewer revisions to the ordinance. However, some readers who are less familiar with our ordinance and its cross references, may find it burdensome to trace this exception through its numerous cross-references. Therefore, a second approach, would be to simply add *Adaptive Reuse of a Structure of Community Significance*, to the list of Special Exceptions in each additional District where you wish to make it available.

Finally, we wish to raise two aspects of the Site Plan process that may be seen as hindrances to redevelopment of historic structures. While the Planning Board may already waive the file submission requirement (Sec. 60-1302), it does not have the discretion to waive the filing fee (cite). In light of these expenses, which developers of historic properties may not feel go far enough in encouraging reuse of historic properties whose upkeep and repair may already be quite expensive, the Board may wish to consider a reduced Site Plan Review fee as part of this process, or proposing a section that would expressly allow the Planning Board to waive the site plan review fee for adaptive reuse applications on a case by case basis, just as the Board may waive the requirement to submit a detailed site plan review file. This could be done by revising the fee schedule in Appendix A to the City's ordinances, to insert a reduced or modified fee for Adaptive Reuse applications.

Attached for your review are the following:

Exhibit A: The existing definitions section of our zoning ordinance, illustrating the two proposed additions in redline.

Exhibit B: The existing Low Density Rural Residence District section, contained in Article IV, Section 4, of the ordinance. The proposed addition is in redline.

Exhibit C: Proposed revision to Section 60-1302, to authorize the Planning Board to waive site plan review fees for Adaptive Reuse applications

¹ We assume that the existing permitted uses in the other zones would either be flexible enough to accommodate the reuse of culturally significant structures, or that there are insufficient structures for this to be a concern. We recommend that the Board explore this issue during its deliberations and public comment sessions, to see whether this is the case.



Exhibit A: Definitions Section, as Proposed.

Sec. 60-2. - Definitions.

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

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

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

Adaptive Reuse means a Special Exception permitting a Structure of Community Significance to be used for one or more purposes, not otherwise permitted in the District in which the Building is located, but which the Planning Board has determined will contribute to the preservation of a Structure of Community Significance, including without limitation, the following uses:

- a) *Bed and breakfast homes or inns;*
- b) *Restaurants, diners or cafes;*
- c) *Art studios and galleries;*
- d) *Performing arts centers;*
- e) *Medical and dental clinics;*
- f) *Office space;*
- g) *Municipal and government uses; and*
- h) *Retail sales as an accessory use.*

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

Animal unit means one living animal of any species.

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

Apartment. See the term *Dwelling unit*.

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

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

Artist studio, residential means a dwelling where up to 50 percent of the total floor space can be used for the production of art and/or craft products. The term "residential artist studio" shall not include

galleries or studios open to the public for display or sales. All artist studios shall be designed to meet all residential safety and occupancy requirements and shall be considered to be accessory to the residential use.

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

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

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

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

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

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

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

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

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

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

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

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

Bed and breakfast home means an accessory use to a single-family dwelling involving the renting of four or fewer guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast only to house guests. Such establishment shall be owned and operated by the resident of the dwelling. The term "bed and breakfast home" also includes a tourist home.

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



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

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

Building envelope means the ground area on a lot and the space above it on which a building may be constructed.

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

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

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

Building line means a line beyond which the foundation wall and/or any enclosed porch, vestibule of other enclosed portion of a building shall not project.

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

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

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

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

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

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

Child day care home means an accessory use of a residence by a person residing on a premises to provide on a regular basis, and for consideration, care and protection for up to 12 children under 16 years of age, unrelated to the day care home operator, who are unattended by parents or guardians, for any

part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home, but is classified as a nursery school. A child day care home shall not be located closer to another child day care home than 500 feet measured along the street frontage. Child day care homes shall be reviewed under the city's home occupation regulations (article IX of this chapter) and shall meet the following:

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

Facade means the vertical surface of a building.

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

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

- (1) At least 50 percent of the total annual income of the farm occupant and his spouse living in the farm residence will be derived from such uses; and
- (2) At least ten acres of the farm will be devoted to the production by the occupant of field crops or to the grazing of the occupant's livestock. For purposes of this definition, the term "poultry"

means no fewer than 100 fowl and the term "livestock" means no fewer than 20 cattle or other animals being raised for commercial purposes.

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

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

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

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

Form based code means a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.

Form based code zoning district means one of the five areas on the regulating plan, including Transect 4.1 (T-4.1), Transect 4.2 (T-4.2), Transect 5.1 (T-5.1), Transect 5.2 (T-5.2), and Transect 6 (T-6).

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

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

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

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

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

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

Group home. See the term *Community based residential facilities.*

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

Habitable space means that area within a dwelling which has headroom of not less than seven feet when measured vertically upward from the finished floor, provided that any such area next below the roof

of a dwelling shall be counted only if it is connected with the story next below by a permanent inside stairway. The floor area of any porch, cellar room, garage or shed attached to such dwelling shall not be counted in any measure of habitable space.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Lodge, private. See the term *Club, private*.

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



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

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

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

Lot measurements means the following measurements:

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

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

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

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

- (4) Reversed frontage lot, defined as a lot in which the frontage is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot. (See A-D and B-D in diagram.)

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

Major or principal arterial highway means the highway that:

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

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

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

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

Minor arterial highway means the highway that:

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

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

Mobile home park means a parcel of land under single ownership in rural residence and suburban residence districts which has been planned and improved for the placement of not less than three mobile homes for nontransient use.

Mobile homes, newer, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacture certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or



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more sections, which, in the traveling mode, are 14 body feet or more in width and are 700 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings on foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical system contained therein; except that the term "newer mobile homes" includes any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, 42 USC 5401 et seq.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Personal services means the furnishing of labor, time and effort by a person as an independent contractor not involving the delivery of a specific end product.

Place of worship see definition of church.

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

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

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

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



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

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

Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races and facilities for mass gatherings when used for two or more events during a calendar year.

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

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

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

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

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

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

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

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

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

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

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

Shared housing means housing consisting of two or more families occupying a single dwelling and using common cooking facilities. Shared housing shall permit the same number of families at the same density as allowed in the zoning district where the property is located subject to all applicable codes relating to building, housing, life safety, health and zoning as would be applied to independent living units

located in the same structure. Approval for shared housing shall be secured from the department of community development and planning subject to the codes and ordinances indicated in this definition, prior to establishing a shared housing arrangement in any building.

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

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

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

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

Sign, official business directional, means any off-premise sign permitted to be erected pursuant to article II of chapter 42.

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

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

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

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

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

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

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

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

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

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

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



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Street means the following:

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

Street frontage. See the term *Frontage*.

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

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

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

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

Structure of Community Significance means a Building that by virtue of its historic, social, cultural or economic contribution to the community, as determined by the Planning Board, is entitled to a Special Exception allowing its Adaptive Reuse. The Planning Board may consider a Building's age, as well as any evidence of its role in the historic, social cultural, or economic history of the community, in determining whether a Building qualifies for this designation.

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

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

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

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

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

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

Tourist home. See the term *Bed and breakfast home*.

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

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

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

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

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

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

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

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

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

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

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

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

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



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

Zone. See the term *District*.

(Ord. of 9-21-2009, § 2.2; Ord. No. 13-09062011-05, 9-6-2011; Ord. No. 12-09062011-04, 9-19-2011; Ord. No. 04-03072016, 5-16-2016)

Exhibit B: Low Density Rural Residence District, as Proposed

DIVISION 4. - LOW DENSITY RURAL RESIDENCE DISTRICT

Sec. 60-228. - Purpose.

This district is intended to provide for low density rural residential areas while protecting adjacent agriculture and resource protection districts, allowing a degree of residential development compatible with maintenance of environmental quality and preservation of the open character of the area.

(Ord. of 9-21-2009, § 3.41A)

Sec. 60-229. - Use regulations.

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

- (1) All uses permitted in the Agriculture and Resource Protection District pursuant to (section 60-172(A)).
- (2) One-family detached dwellings.
- (3) Two-family dwellings.
- (4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 10 of article IV and division 4 of article XVII of this chapter.
- (5) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.
- (6) Licensed veterinarians provided that the lot is of at least three acres.
- (7) Wayside stands.
- (8) Accessory uses, buildings or structures.
- (9) Lawn maintenance services.
- (10) Municipal uses and buildings.

(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 XVI of this chapter:

- (1) 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, buildings occupants, land uses and properties.
 - b. In no case shall such tower be located less than 1½ times its height from the nearest property line.
- (2) Care homes, lodginghouses and boardinghouses.
- (3) 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.
 - 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.
- (4) Child day care centers, provided that:
 - a. They are located on arterial and collector streets as defined in the Auburn Tomorrow Comprehensive Plan.
 - b. They shall not be located closer than 1,000 feet from other established day care centers.
 - c. These standards shall not apply to section 60-52.
- (5) Cemeteries, provided that:
 - a. At least 20 acres in area.
 - b. Not located in any environmental overlay district or over any known aquifer.
- (6) Community-based residential facilities, provided that:
 - a. The minimum distance between any two such facilities shall be 1,500 feet.
 - b. Any such facility shall house no more than eight persons.
- (7) Licensed kennels provided that there shall be available land area of at least three acres.
- (8) Training schools.
- (9) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
- (10) Adult day centers.
- (11) Landscape services.
- (12) 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.
- (13) Schools.
- (14) Churches or temples.



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(15) Libraries.

(16) Museums.

(17) Adaptive Reuse of a Structure of Community Significance.

(Ord. of 9-21-2009, § 3.41B)

Sec. 60-230. - 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 and/or no building shall be erected on a lot containing less than 43,560 square feet and measuring less than 250 feet in width. No lot shall be less than 150 feet in depth. 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 animal farm contained in section 60-2.
- (2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per acre.
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.
 - b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. A public building, church or temple, and 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 of specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.41C)

Secs. 60-231—60-253. - Reserved.

Exhibit C: Proposed Fee Waiver for Site Plan Review

Sec. 60-1302. - Exemption for information; Fee waiver.

Upon request, the planning board, or the planning director, acting for the board, may waive the necessity of providing any of the foregoing planning information which is not relevant to the proposed development. The planning board or the planning director, acting for the board, may waive the site plan review fee if the purpose of the site plan review is to determine the Adaptive Reuse of a Structure of Community Significance.

(Ord. of 9-21-2009, § 7.1D(3))



PLANNING BOARD REPORT to the CITY COUNCIL

To: Mayor LaBonte and Members of the Auburn City Council

From: Douglas M. Greene, AICP, RLA
Urban Development Specialist

Re: Text Amendment for Adaptive Reuse of a Structure of Community Significance

Date: April 3, 2017

SUMMARY - On March 21, 2017, the Auburn Planning Board held a public hearing and made a recommendation on a Zoning Ordinance Text Amendment for the Adaptive Reuse of Structures of Community Significance. The meeting consisted of a staff presentation, discussion by the Planning Board, public comment from 1 person during the public hearing, and then discussion.

PROPOSAL - Currently, certain buildings of a historic, social or cultural significance are prevented from redevelopment or re-use due to existing zoning restrictions. This text amendment would allow the Planning Board to consider making the Adaptive Reuse of Structures of Community Significance a Special Exception, which would allow qualifying structures to be adapted and reused in ways that the zoning ordinance does not normally allow, provided specific criteria are met. The text amendment also includes a provision to waive the development review application fees.

PLANNING BOARD MEETING - The Staff presented a report at the Planning Board's March 21st meeting that included how the proposed text amendment complies with the Comprehensive Plan, the proposed changes to the Zoning Ordinance that included adding 2 new definitions (*Adaptive Reuse* and *Structures of Community Significance*) and the addition of *Adaptive Reuse of Structures of Community Significance* to Special Exceptions in the Rural Residential District. The Planning Board discussed a recommendation from the City Council to include the Adaptive Reuse of Structures of Community Significance as a Special Exception to every zoning district, to which the Planning Board agreed and included in its motion. The final part of the text amendment would give the Planning Board the ability to waive the development/site plan review fee of \$500 to Adaptive Reuse applicants.

PUBLIC HEARING – Pastor Clint Robinson, of Auburn Baptist Church, located at 227 Poland Road spoke in favor of the text amendment and said it would be a “win win” situation for the city and churches like Auburn Baptist Church.

PLANNING BOARD DELIBERATION AND RECOMMENDATION - The Planning Board strongly supported the text amendment and discussed whether to place the Special Exception for the Adaptive Reuse in the Low Density Rural Residential District and all other residential districts or to simply include it in every zoning district. After some discussion, the Board agreed it would be helpful to include all the zoning districts so not to exclude any potential candidate for an Adaptive Reuse.

The Planning Board voted 5-0 (Cyr, Poliquin-Pross absent) to forward a recommendation of **Approval** to the City Council to amend the Auburn Zoning Ordinance, Section 60-2 Definitions by adding Structures of Community Significance and Adaptive Reuse, adding Adaptive Reuse of Structures of Community Significance as a Special Exception to every zoning district in the Auburn Zoning Ordinance, and amending Section 1302, Exemption for information, Fee Waiver.



Douglas M. Greene, AICP, RLA
Urban Development Specialist

Cc: Dan Philbrick, Chair Auburn Planning Board
File



City of Auburn, Maine

Office of Economic and Community Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

Proposed Changes to Chapter 60, Zoning, Auburn Code of Ordinances for Adaptive Reuse of Structures of Community Significance

1. Definitions:

Sec. 60-2. - Definitions.

Adaptive Reuse means a Special Exception permitting a Structure of Community Significance to be used for one or more purposes, not otherwise permitted in the District in which the Building is located, but which the Planning Board has determined will contribute to the preservation of a Structure of Community Significance, including without limitation, the following uses:

- a) Bed and breakfast homes or inns;
- b) Restaurants, diners or cafes;
- c) Art studios and galleries;
- d) Performing arts centers;
- e) Medical and dental clinics;
- f) Office space;
- g) Municipal and government uses; and
- a)h)Retail sales as an accessory use.

Structure of Community Significance means a Building that by virtue of its historic, social, cultural or economic contribution to the community, as determined by the Planning Board, is entitled to a Special Exception allowing its Adaptive Reuse. The Planning Board may consider a Building's age, as well as any evidence of its role in the historic, social cultural, or economic history of the community, in determining whether a Building qualifies for this designation.

2. Addition of Adaptive Reuse of Structures of Community Significance as a Special Exception to the following Districts:

DIVISION 2. - AGRICULTURE AND RESOURCE PROTECTION DISTRICT

- (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:

(16) Adaptive Reuse of Structures of Community Significance

DIVISION 3. - LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

- (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 XVI of this chapter:

(3) Adaptive Reuse of Structures of Community Significance

DIVISION 4. - LOW DENSITY RURAL RESIDENCE DISTRICT

- (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 XVI of this chapter:

[\(17\) Adaptive Reuse of Structures of Community Significance](#)

DIVISION 5. - SUBURBAN RESIDENCE DISTRICT

- (b) Special exception uses. The following uses are permitted by special exception after approval by the planning board in accordance with division 3 of article XVI of this chapter:

[\(3\) Adaptive Reuse of Structures of Community Significance](#)

DIVISION 6 - URBAN RESIDENCE DISTRICT

- b) Special exception uses. All uses permitted by special exception in the Suburban Residence (SR) District (division 6 of article IV of this chapter), except radio, radar, television and radio-telephone transmitting towers are permitted in the Urban Residence (UR) District.

[\(1\) Adaptive Reuse of Structures of Community Significance](#)

DIVISION 7 - MULTIFAMILY SUBURBAN DISTRICT

- (b) Special exception uses. The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

- (1) All uses are permitted by special exception in the Urban Residence (UR) District (division 7 of article IV of this chapter).

[\(4\) Adaptive Reuse of Structures of Community Significance](#)

DIVISION 8 - MULTIFAMILY URBAN DISTRICT

- (b) Special exception uses. The following uses are permitted special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

- (1) All uses permitted by special exception in the Multifamily Suburban (MFS) District (division 8 of article IV of this chapter).

[\(3\) Adaptive Reuse of Structures of Community Significance](#)

DIVISION 9 - PLANNED UNIT DEVELOPMENT-

The underlying zoning will be used for an application for the Adaptive Reuse of Structures of Community Significance.

DIVISION 10. - DOWNTOWN ENTERPRISE ZONE

- (b) Special exception uses. The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

[\(8\) Adaptive Reuse of Structures of Community Significance](#)

DIVISION 11. - NEIGHBORHOOD BUSINESS DISTRICT

- (b) Special exception uses. The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter.

[\(7\) Adaptive Reuse of Structures of Community Significance](#)



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DIVISION 12. - GENERAL BUSINESS DISTRICT

- (b) Special exception uses. The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

[\(21\) Adaptive Reuse of Structures of Community Significance](#)

DIVISION 13. - MINOT AVENUE (GBII)

- (b) Special exception uses. The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

[\(15\) Adaptive Reuse of Structures of Community Significance](#)

DIVISION 14. – FORM BASED CODE

See revised Form Based Code Use and Parking Matrix on page 4

DIVISION 15. - INDUSTRIAL DISTRICT

- (b) Special exception uses. The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter; upon determination that such a use will not unduly disturb or harmfully influence other uses in the areas adjoining:

[\(36\) Adaptive Reuse of Structures of Community Significance](#)

3. Allow Planning Board to waive Development Review Fee

Sec. 60-1302. - Exemption for information; [Fee waiver](#).

Upon request, the planning board, or the planning director, acting for the board, may waive the necessity of providing any of the foregoing planning information which is not relevant to the proposed development. [The planning board or the planning director, acting for the board, may waive the site plan review fee if the purpose of the site plan review is to determine the Adaptive Reuse of a Structure of Community Significance.](#)

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

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

Notes:

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

S = Special Exception
sp = parking space

P = Permitted
sf = square foot of gross floor space

X-Prohibited
DU = Dwelling Unit

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 05-04032017

BE IT ORDAINED, that the City Council hereby amends Chapter 60 of the Auburn Zoning Ordinance, adding "Adaptive Reuse" and "Structure of Community Significance" to Section 60-2, Definitions; amends all Zoning Districts in Article IV, District Regulations to include "Adaptive Reuse of a Structure of Community Significance" as a Special Exception and amending Section 60-1302, Exemption for Information, adding "Fee Waiver" to allow the Planning Board or Planning Director to waive the Site Plan Review Fee for Special Exception applications for Adaptive Reuse of Structures of Community Significance.



**City of Auburn
City Council Information Sheet**

Council Meeting Date: April 3, 2017

Order: 31-04032017

Author: Michael Chammings, Director of Economic and Community Development

Subject: Agriculture and Resource Protection/Low Density Rural Residence Ordinance review for schools and equipment sales accessory to a recreational use.

Information: We have a unique opportunity to site a recreational equipment sales, assembly, service, testing and training facility adjacent to a recreational use in Auburn that would benefit an important community recreational asset.

Advantages: This would benefit an important community recreational asset, create taxable value, create “livable wage” jobs and attract international visitors to the city.

Disadvantages: None.

City Budgetary Impacts: None.

Staff Recommended Action: Approve the order.

Previous Meetings and History: March 20, 2017 Council Meeting Executive Session.

Attachments: Memo from Eric J. Cousens, Deputy Director of Economic and Community Development dated 03/29/17 and Order.



City of Auburn, Maine

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Auburn, Maine 04210

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To: Michael Chammings, Director of Economic and Community Development

From: Eric J. Cousens, Deputy Director of Economic and Community Development

Re: Options for the Agriculture and Resource Protection/Low Density Rural Residence Ordinance to allow for schools and equipment sales associated with and complimentary to a recreational use

Date: March 29, 2017

A question has been raised regarding the following use group listed as a Special exception in the Agriculture and Resource Protection District:

- (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.

We allow handling, storage and sale of agricultural services, equipment, and supplies accessory to a farming use with Planning Board review. We also allow recreational uses of land intended or designed for public use subject to Planning Board review and some conditions. The question raised is: Could we allow handling, storage and sale of agricultural services, equipment, and supplies accessory to or associated with a recreational use?

As written the allowance is very specific to farming uses, although the impacts of allowing the use accessory to farming or recreational uses in the Agriculture and Resource Protection District are likely identical. Special exception uses require individual proposals to be reviewed through a public process with the Planning Board to ensure that impacts are avoided.

The term "accessory" includes a determination that the use is subordinate to or under the control of another within a larger organization. That may be too restrictive to allow an associated business that is in separate ownership from the recreational use but still mutually beneficial to locate adjacent to a recreational use. We have an exciting opportunity to site a recreational equipment sales, assembly, service, testing and training facility adjacent to a recreational use in Auburn that would benefit an important community recreational asset and attract international investment and visitors to the city.

We have discussed this opportunity with a couple of Councilors and they have initiated the item for discussion. We are hopeful that the Council will direct staff to draft an amendment to the ordinance and to host a public review process with the Planning Board to recommend a change for Council consideration.

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



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

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 31-04032017

ORDERED, that the City Council hereby directs City Staff to consult with the Planning Board and develop recommendations to increase the flexibility of the uses allowed in the Agricultural and Resource Protection District, which would allow existing large recreational users to undertake complimentary uses such as the sale of services, equipment, and supplies related to existing recreational uses, and to develop recommendations from the Planning Board for Council consideration.