



**Special Meeting Agenda
March 28, 2022
Auburn Hall, Council Chambers**

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

Pledge of Allegiance

- I. Presentation- Court Street/City Core Zoning Amendments**
Michael Malloy, City Attorney and Eric Cousens, Director Planning and Permitting

II. Unfinished Business

- 1. Ordinance 11-03212022**

Zoning Amendment Court Street/City Core of Urban Residential Area; 1,687.41 acres of Urban Residential to Traditional Neighborhood Development District Areas (T-4.2).

Public hearing and second reading.

III. New Business

- 1. Order 46-03282022**

Directing the Planning Board to review the proposed text and map amendments to the Court Street/City Core of Urban Residential Area to Traditional Neighborhood District Areas; review the T-4.2B District text, hold a public hearing and forward a recommendation back to the City Council.

IV. Adjournment



THE MALLOY FIRM

Attorney, Advisor, Advocate.

March 24, 2022

VIA EMAIL

Eric Cousens, Director of Planning & Permitting
City of Auburn
60 Court Street
Auburn, Maine 04210

Re: Court Street/City Core Zoning Amendments

Dear Eric:

We have been asked whether, at its upcoming meeting on March 28, the City Council may adopt a zoning map amendment while simultaneously revising the characteristics of an existing district through a text change that has not yet been drafted. For the reasons stated below, the Council may vote on the map amendment as originally proposed, but it may not alter the text of the zoning ordinance without submitting those changes to the Planning Board and following the customary procedure.

Sections 60-1445 through 60-1496 of the City Code govern amendments to Auburn's zoning ordinance or map. In general, proposed changes to the zoning map or text must be vetted by the Planning Board following due notice and public hearing, prior to action by the City Council. I direct your attention to Section 60-1446, which, in essence, permits a proposed map change to move through the consideration process based on drawings alone. In this way, permitted uses of land can be altered without the need to change an ordinance itself. In other words, a map amendment can change where a zoning rule applies, but it may not change the rule itself. By contrast, if a new district is to be created, or if the permitted uses within an existing district are to shift, that would constitute a change in the rule itself, and for the Council to request a change to the zoning rule itself, it must first send the proposal to the Planning Board.

See Section 60-1447, which states:

Each proposal to change any zoning ordinance text (other than a change of zoning district name or zoning boundary description) shall include the wording then current, the words of change, the wording if so amended and a statement of the reasons for such change, showing how such a change would affect the public health, safety, convenience and welfare.



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March 24, 2022

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In the proposal to come before the Council on March 28, there is no proposed text change. The Council may not create such a change on Monday night and codify that text as an ordinance in the same meeting. It therefore has the following options:

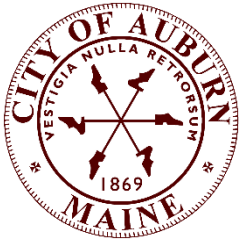
1. The Council may vote whether to approve the map amendment as first proposed, which would extend the existing Zone T-4.2, as it presently exists, to the Court Street neighborhood; or
2. It may propose new language whether that be the creation of a new district or the alteration of an existing district's characteristics, and send the proposed text to the Planning Board for consideration, subject to customary notice and hearing requirements.

Please let me know if you have questions or if I can provide any additional guidance on these matters to you or the Council.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael S. Malloy", written over a horizontal line.

Michael S. Malloy



**City of Auburn
City Council Information Sheet**

Council Public Hearing or Meeting Date: March 28, 2022

Ordinance: 11-03212022

Author: Eric J. Cousens, Director of Planning and Permitting

Subject: Court Street/City Core of Urban Residential Area; 1,687.41 acres of Urban Residential to Traditional Neighborhood Development District Areas; T-4.2

Information: The comprehensive plan update adopted on December 6, 2021 identified zoning map and text amendments needed to implement the goals of the plan updates. The area under discussion was recommended as follows: *Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).*

The Planning Board reviewed this proposal and provided a positive recommendation (attached) at the March 8, 2022 meeting. The staff report from that meeting is also attached. The Council voted to edit the text of the T-4.2 district to address information and concerns raised in the public process at the 3/21/22 Council Meeting. Staff applauds the Council's edits as a positive improvement for the development of the ordinance covering the Court Street/City Core of Urban Residential Area, however, the changes made the proposed map amendment into a map and text amendment. This text change would also limit density and mixed use in the existing Urban Core of the T-4.2 district which we believe was not the intent of the Council or the goal of the Comprehensive plan for the area. Procedurally, the attached legal opinion provides guidance on the best way to accomplish the goals of the ordinance and the Council amendment to the draft that passed on first reading last week. That process involves two steps tonight: Step 1. Vote not to pass the current version. To do this, the Council can make a motion to pass the proposed ordinance and vote against it; Step 2. The second item on tonight's agenda is to forward a text and map amendment of the Court Street/City Core of Urban Residential Area to the Planning Board for public hearing and a recommendation to the Council.

One other option exists but is not recommended. The Council could pass the existing T.4.2 standards (without amendments proposed on 3/21/22) over a portion of the land area mapped and discussed by Planning Board and Council. As requested, we have provided a map of the larger lot area along Court Street that defines the largest block of undeveloped land along Court Street as Exhibit C Revised/Limited.

Staff Recommended Action: Staff suggests council discuss the proposed changes, hold a public hearing and vote NO on the proposed ordinance change as amended on 3/21/22.

Previous Meetings and History: January 3rd Council Discussion Initiation, March 21, 2022 Council First Reading and January 11, 2022, February 8th and March 8, 2022 Planning Board.

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: Comp Plan Update - Future Land Use Chapter Excerpts, Planning Board Recommendation, Ordinance, Exhibit B Ordinance Update T-4.2



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

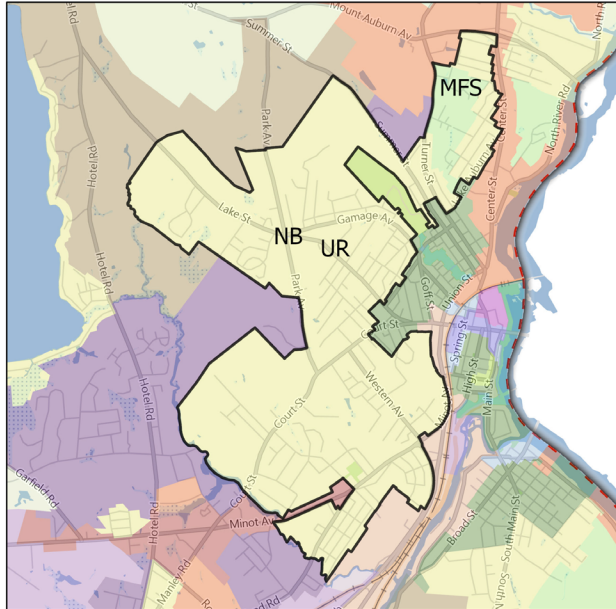
www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: John Blais, Deputy Director
Re: Public Hearing Court Street/Urban Core Area Zoning Considerations from 2021 Updated Comprehensive Plan for Zoning Map Amendment.

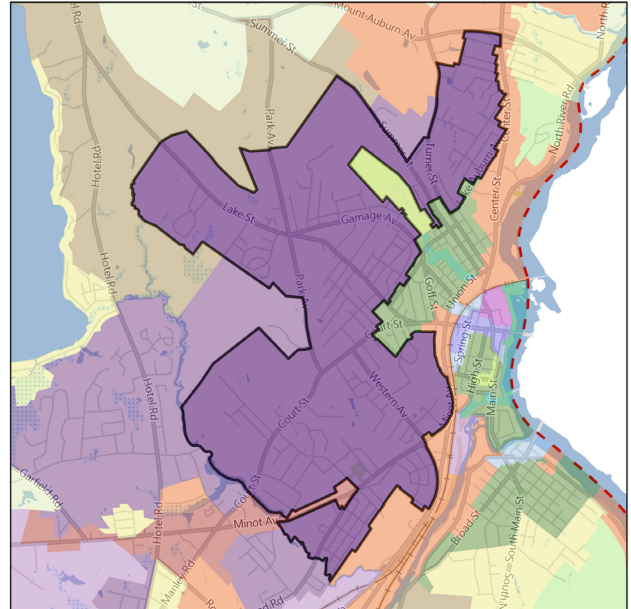
Date: March 8th, 2022

PROPOSAL #1: Court Street/City Core of Urban Residential Area; 1,687.41 acres of Urban Residential to Traditional Neighborhood Development District Areas; T-4.2 (See below Exhibit C.)

Court Street: Exhibit C



Current Zoning



Proposed Change

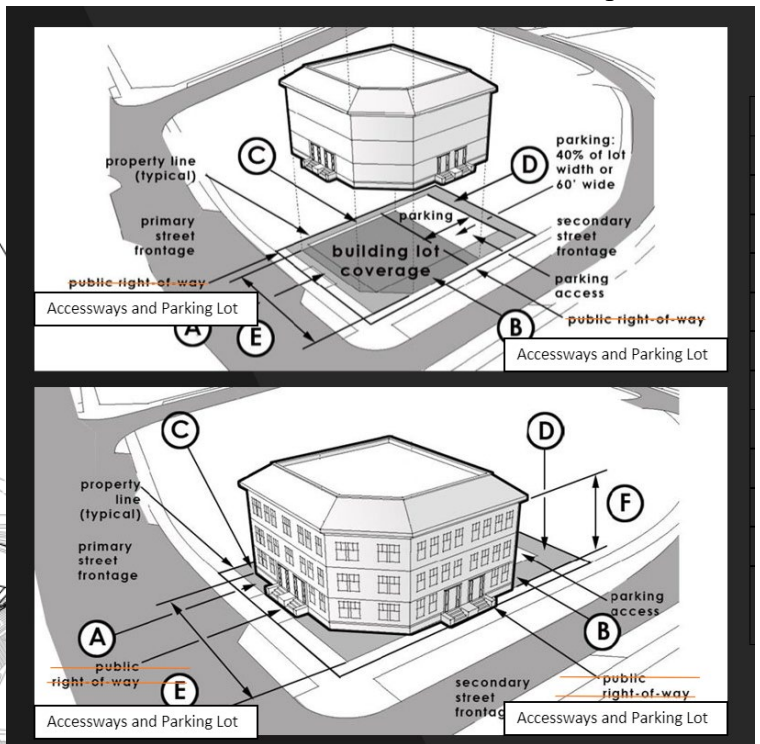
Recommended Zoning Updates		Current Zoning	
Description			
	Comp Plan to TND0		AG - Agriculture and Resource Protection
	<all other values>		GB - General Business
			GB II - General Business II
			ID - Industrial
			MFS - Multi-Family Suburban
			RR - Rural Residential
			SR - Suburban Residential
			UR - Urban Residential
			T-4.1 - Traditional Mainstreet Neighborhood
			T-4.2 - Traditional Downtown Neighborhood
			T-5.1 - Downtown Traditional Center
			T-5.2 - Downtown City Center
			T-6 - Great Falls Metropolitan
			C/Os - Conservation / Open Space



12/29/2021 2:34 PM Path: D:\GISProjects\RM\DataDevelopment\ZoningUpdates\ZoningUpdateProject.aprx

PROPOSAL #2: Front Setback as Accessways and Parking Lots; Multifamily units development opportunities should be considered as its own neighborhood setting allowing setbacks not just from public

ways, but also private ways, private parking and private sidewalks. See illustration below for example.



PROPOSAL #3 Utilize Public Parking in all Formed Based Code; Sec. 60-554, Notes (2) *Parking requirements in **T-4.1, T-4.2, T-5.1, T-5.2 and T-6** may be provided by the municipality or private parking resources within 1,000 feet of the principal building, subject to planning board approval.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND)

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

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

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

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

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

- I. **PLANNING BOARD ACTION/STAFF SUGGESTIONS:** Staff suggests a planning board discuss the proposals and continue a Public Hearing on March 8, 2022. Staff then recommends that the Board forward a positive recommendation to the Council supporting the proposed changes, 1.) To amend the proposed boundary be adjusted from Urban Residential to Traditional Neighborhood Development District; T-4.2 the total amendment includes 1,687.41 acres shown on the map as Exhibit C. 2.) Define building front setbacks in all formed base code as accessways and parking areas. 3.) Utilize public parking in all formed based code.
- II. based on the following findings.

SUGGESTED FINDINGS AND REASONS:

1. The 2010 and now 2020 Comprehensive Plan recommend expanding the Formed Base zoning in this area to include the area proposed on the map. This can be accomplished without creating a new district by using the existing T-4.2.
 2. The area is considered the core of the city and the 2010 and now 2021 support higher density with available infrastructure in place. (Sewer, water, power, high speed internet, gas & roads)
 3. The proposal can be implemented without detriment to city resources.
- III. *Suggested Motion:* 1.) I make a motion to recommendation to City Council to amend the proposed boundary be adjusted from Urban Residential and Multi-Family Suburban to Traditional Neighborhood Development District; T-4.2 the total amendment includes 1,687.41 acres shown on the map as Exhibit C. 2.) Define building front setbacks in all formed base code as accessways and parking areas. 3.) Utilize public parking in all formed based code.



City of Auburn, Maine

Planning Board

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn Mayor and City Council

From: Auburn Planning Board

Re: Findings and Reasons for the recommendation to the Council on a Court Street/City Core of Urban Residential Area; 1,687.41 acres of Urban Residential to Traditional Neighborhood Development District Areas; T-4.2

Date: March 8, 2022 Planning Board Meeting

The Planning Board forwarded a positive recommendation to the Council on this proposal at the March 8, 2022 Planning Board meeting.

The Board passed a motion to recommend to City Council to amend the proposed boundary be adjusted from Urban Residential and Multi-Family Suburban to Traditional Neighborhood Development District; T-4.2 the total amendment includes 1,687.41 acres shown on the map as Exhibit C. 2.) Define building front setbacks in all formed base code as accessways and parking areas. 3.) Utilize public parking in all formed based code. The Motion passed 4 in favor, 3 against, based on the following findings.

FINDINGS AND REASONS:

1. The 2010 and now 2020 Comprehensive Plan recommend expanding the Formed Base zoning in this area to include the area proposed on the map. This can be accomplished without creating a new district by using the existing T-4.2.
2. The area is considered the core of the city and the 2010 and now 2021 support higher density with available infrastructure in place. (sewer, water, power, high speed internet, gas & roads)
3. The proposal can be implemented without detriment to city resources.

Chapter 2 - Future Land Use Plan

The Future Land Use Plan shows graphically how the City's land use policies apply to the land area of the community, and where and how growth and development should and should not be accommodated over the next decade. The Future Land Use Plan is not a zoning map. It is intended to show, in a general sense, the desired pattern of future land use and development. The intention is that this Future Land Use Plan will guide near-term revisions to the City's zoning ordinance and maps to assure that the City's land use regulations are consistent with the policies set forth in this *Comprehensive Plan*. In addition, by designating transitional districts, the Future Land Use Plan is designed to guide future zoning changes when the circumstances become appropriate.

This Future Land Use Plan reaffirms the basic objective of land use planning, that development in Auburn should grow out from the historic cores (downtown, Danville, New Auburn, West Auburn and East Auburn) and from older established neighborhoods. This policy was originally set forth in the City's first comprehensive plan over a half century ago and has continued to guide the City's land use planning ever since. We continue to believe that growth out from the downtown core and older established neighborhoods provides the most efficient utilization of city services. This plan does not favor "leapfrog" development in the outlying sections of the City. This pattern is often referred to as "suburban sprawl," and is not considered desirable for Auburn. The effect of continuing this long-standing principle is to guide most new development into the area south of Lake Auburn and Taylor Pond and around potential passenger rail and turnpike exits (**See Section G: Transportation Policies**). Figure 2.1 identifies these areas as the City's Growth Area and Limited Growth Area; they are depicted in the brown and tan colors. (Please note: Map update is pending and the referenced figures will need to be revised for the final publication).

The boundaries shown on the Future Land Use Plan are general. They are intended to reflect the general pattern of desired future land use. The allowed uses and development standards set out for each land use designation are intended to serve as guidelines as the zoning ordinance is reviewed and revised. The lists of uses and the discussion of potential development standards are not intended to be all-inclusive. Rather, they are intended to outline the basic character and types of development desired in each land use area to guide the revision of the City's zoning ordinance and other land use regulations. In the preparation of the revised zoning provisions, some of the designations may be combined or rearranged to create a workable number of zoning districts

Organization of the Future Land Use Plan

The Future Land Use Plan is organized around the concept of growth and rural (or limited growth) areas set forth in the state's Growth Management Law. The state defines a "growth area" as an area that is designated in the city's comprehensive plan as suitable for orderly residential, commercial, or industrial development, and into which most development projected over ten years is directed. The state defines a "rural area" as an area that is designated in the comprehensive plan as deserving of some level of regulatory protection from unrestricted development for purposes such as supporting agriculture, forestry, mining, open space, habitat protection, or scenic lands, and from which most development projected over ten years is diverted. The state also recognizes the concept of "transitional areas," or areas that are suitable to accommodate a share of projected development, but at lower levels than a growth area, and without the level of protection accorded to rural areas.

The terminology of the state law – growth, rural, and transitional – can lead to confusion. The three terms are used to indicate the desired/anticipated level or share of future growth and development that will occur in the three areas -- but the terms do not indicate that in common usage. For example, an undeveloped floodplain within the built-up area might be identified as a non-growth area but labeling it as “rural” can be misleading. Similarly calling an established residential neighborhood a “transitional” area or a “growth” area can also be misleading if the objective is to maintain the neighborhood “as is”.

Future Land Use Categories

For the purpose of the Future Land Use Plan, three basic growth categories are used based upon the standards set out by the state and the desired level of future development in the City (see Figure 2.1 following page):

1. **GROWTH AREAS** — Areas where the City wants growth and development to occur. The anticipation is that most residential and non-redevelopment over the next ten years will occur in these growth areas.
2. **LIMITED GROWTH AREAS** — Areas that have limited development potential or that have vacant or under-utilized land where the City desires a limited amount of growth and development over the next ten years.
3. **NON-GROWTH AREAS** — Areas that are either unsuitable for development or in which the City desires to see little growth and development over the next ten years.

Future Land Use Types

The three categories of growth, limited growth, and non-growth specify where the City wants to accommodate growth and development and where it wants to discourage or prohibit it. The Comprehensive Plan is intended to be a guide upon which zoning ordinances are based and is not intended to serve as a regulatory document. A comprehensive rezoning should be completed after adoption of the Comprehensive Plan to match the suggestions in this plan with flexibility for future changes.

Type A: Development Areas – Areas with a significant amount of vacant or underutilized land that are capable of supporting new residential or nonresidential development in accordance with the City’s land use objectives. New development within these areas is generally encouraged.

Type B: Transition/Reuse/Redevelopment Areas — Developed areas where the City’s policy is to encourage the type of use and/or pattern of development to change over time. New development, redevelopment, or the reuse of existing land and buildings that moves the area toward the desired future use is encouraged. Some transition areas designated in the Future Land Use Plan identify the desired future use of the area, but the City’s zoning may not be changed until a future point in time when development is appropriate – in a sense these are

“planned future transition areas”. The City’s use of the term transition area differs from the way this term is used by the state in the Growth Management Law.

Type C: Protection/Reserve Areas – Largely undeveloped areas that should remain undeveloped for at least the next ten years. These areas include land with significant development constraints that should not be developed, as well as land that is not appropriate for development at this time, but that may be designated for development in the future.

Figure 2.2 on the following page shows the types of land use areas organized by the three growth categories.

Residential Densities

The Future Land Use Plan sets out the recommended pattern and intensity of development in various areas of the City. The Future Land Use Plan establishes the desired maximum intensity or density of residential development in the various land use designations.

The following table sets out the various categories of density used in the Future Land Use Plan. The maximum allowed density is expressed in the number of housing units per acre based on the gross development density. (An acre is 43,560 square feet – the playing surface of a football field is about 1.3 acres). For each density category, a maximum suggested density is provided to allow some flexibility in the establishment of the revised zoning regulations. This is not to imply that the revised zoning should strive to meet the maximum density.

Residential Density Categories	
Category	Maximum Density
Traditional Neighborhood	16 units per acre
Suburban	8 units per acre
Residential	2 units per acre
Rural	1 unit per 3 acres + additional dwelling unit

Future Land Use Designations

The following sections outline the various land use designations used in the Future Land Use Plan. The designations are organized by growth category and by the type of area. The description of each designation includes a series of land use districts that define the general pattern of development. Each district includes an **objective** for the general pattern and type of development that is desired together with the general types of uses (**allowed uses**) that are appropriate in the designation and an outline of the **development standards** including the density/intensity of development. The location of these various land use districts are shown on the accompanying Future Land Use Plan Map (**see Figure 2.3 on the following page**).

In addition to the Future Land Use Map, four detail maps ([Figures 2.4, 2.5, 2.6 , and 2.7](#)) show the future land use designations for specific portions of the community, including Downtown, New Auburn, Minot Avenue, and Center Street.

FUTURE LAND USE PLAN VISION STATEMENT:

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

1. GROWTH AREAS –

Type A: Development Areas

Designation: Residential

TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND)

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre in areas that are served or can be served by public/community sewerage and public/community water ([see Figures 2.3 and 2.7](#)). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

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

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

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

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

SUBURBAN DEVELOPMENT DISTRICT (SD)

Objective – Allow for the development of a limited range of residential and community uses at a density of up to 6-8 units per acre in areas that are served or can be served by public/community sewerage and/or public/community water (see Figure 2.3). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

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

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

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

Designation: Nonresidential and Mixed Use

FORM-BASED CODE DEVELOPMENT DISTRICT (FBCD)

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

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

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

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

the building will be renovated, be compatible with the neighborhood, and will meet the City's requirements for residential units, including green space and providing the amount of parking appropriate for the proposed use. The other development standards should be established to reflect the existing pattern of development in these neighborhoods. Any parking requirements imposed should allow for flexibility in meeting the need for parking including the use of municipal parking, shared parking, and similar arrangements.

COMMERCIAL DEVELOPMENT DISTRICT (GBD)

Objective – Allow for the development of a wide range of uses including those that involve the sales of motor vehicles and/or that generate significant truck traffic (see Figures 2.3 and 2.5) the District should allow for both existing and new residential use at a density of up to 16 units per acre.

Allowed Uses – The Commercial Development District generally follows the boundaries of the General Business and General Business II (Minot Avenue) Zoning Districts, in effect at the time of the 2021 Comprehensive Plan update (see appendix). The following general types of uses should be allowed in the General Business Development District:

- Low and High Residential Density Uses
- Retail uses including large-scale uses (>100,000 square feet)
- Personal and business services
- Business and professional offices
- Medical facilities and clinics
- Restaurants
- Hotel, motels, inns, and bed & breakfast establishments
- Low and High-Density Residential Uses
- Community services and government uses
- Research, light manufacturing, assembly, and wholesale uses
- Truck terminals and distribution uses
- Contractors and similar activities
- Motor vehicle and equipment sales
- Motor vehicle service and repair
- Recreational and entertainment uses and facilities

Development Standards – The City's development standards for the Commercial Development District should provide property owners and developers flexibility in the use and development of the property. The standards should include provisions to manage the amount and location of vehicular access to the site, minimize stormwater runoff and other potential environmental impacts, require a landscaped buffer along the boundary between the lot and the street, and provide for the buffering of adjacent residential districts.

INDUSTRIAL DEVELOPMENT DISTRICT (ID)

Objective – Accommodate the development and expansion of a wide range of nonresidential industrial-type uses to create employment opportunities and commerce (see Figure 2.3). The land within the district should be viewed as a limited resource that should be carefully managed so that it is not used for activities that can occur in other areas of the City.

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

- Industrial uses including manufacturing, assembly, and research and development facilities
- Distribution and storage uses including wholesale sales, warehousing, and truck terminals/distribution facilities
- Transportation facilities including the airport and related uses and transportation terminals and multi-modal facilities
- Office uses
- Building material and lumber yards
- Vehicle and equipment repair facilities
- Hotels and motels
- Community services and governmental uses
- Agricultural uses

Residential uses should not be allowed in this district. Retail and service uses should be limited to activities that primarily support the other uses within the district such as service stations, convenience stores, and restaurants. Other retail and service activities should not be allowed in this district.

Development Standards – The development standards within the Industrial Development District should:

- Establish performance standards to assure that uses are good neighbors and do not create adverse impacts on surrounding properties or the community at-large
- Establish buffers where the district abuts residential districts to minimize the impacts on those residential properties
- Establish site design and landscaping standards to assure that development functions well and is visually attractive when viewed from public streets or other public areas

COMMERCIAL FORM-BASED CODE GATEWAY DEVELOPMENT DISTRICT (WASHINGTON STREET) (CFBCGD-W)

Objective –.

To allow for mixed use development while protecting and providing transitions to the abutting residential neighborhoods. Within this area attractive road fronts should be established that enhance a complete street city gateway and provide the essence of a welcoming, vibrant community, with neighborhood and community retail, business and service establishments that are oriented to and built close to the street. The zone is appropriate in areas where a more compact urban development pattern exists or where a neighborhood-compatible commercial district is established which exhibits a pedestrian scale and character. The CFBCGD-W should enhance development and design standards to allow this area to evolve into an attractive gateway into the City. Specifically, a portion of this designation pushes a transformation of Washington Street South/Routes 4 and 100 to a two-lane high-speed connector while Washington Street North Routes 4 and 100 becomes a local connector with future Form Based Code Commercial Development. Residential uses should be allowed at a density of up to 16 units per acre provided they are accessory to commercial uses.

Allowed Uses – The Commercial Form-Based Code Gateway Development District – W generally follows the boundaries of the existing General Business areas along Washington Street, in effect at the time of the 2021 Comprehensive Plan update ([see appendix](#)). The Commercial Form-Based Code Gateway Development District – W should allow for medium-scale, multi

dwelling development with up to three stories (plus attic space), with multiple commercial uses allowed that mirror existing form based code within the city to include, but not be limited to general offices, government uses, lab and research facilities, low impact industrial, studios, parks and open spaces, veterinary services, medical and dental clinics, general retail, restaurants, schools, churches, convenience stores with gas stations, specialty shops, auto service stations, care facilities, lodging, clinics and hotels.

Development Standards – New development, redevelopment and substantial expansions should be subject to an enhanced set of development and design standards to assure that this area evolves as an attractive gateway. These standards should maintain appropriate setbacks for new development, encouraging shallow or no front setbacks, screen parking areas from Washington Street and provide incentives for the use of shared driveways and curb-cuts. Provisions for on street parking should be encouraged. All uses in this district should be located, sited and landscaped in such a manner as to preserve open space, control vehicle access and traffic and provide adequate buffering and natural screening from Washington Street. This designation is intended for areas near, in, along neighborhood corridors and for transit-supportive densities.

COMMERCIAL FORM-BASED CODE GATEWAY DEVELOPMENT DISTRICT (UNION/CENTER/TURNER) (CFBCGD-UCT)

Objective –

To allow for mixed use development while protecting and providing transitions to the abutting residential neighborhoods. Within this area attractive road fronts should be established that enhance a complete street city gateway and provide the essence of a welcoming, vibrant community, with neighborhood and community retail, business and service establishments that are oriented to and built close to the street. The zone is appropriate in areas where a more compact urban development pattern exists or where a neighborhood-compatible commercial district is established which exhibits a pedestrian scale and character. The CFBCGD-UCT should enhance development and design standards to allow this area to evolve into an attractive gateway into the City. Specifically, a portion of this designation pushes a transformation of the Union/Center/Turner Street neighborhood from a commercial zoning district to a future Form-Based Code Commercial Development District, matching the adjacent Form-Based Code designations. Residential uses should be allowed at a density of up to 16 units per acre provided they are accessory to commercial uses.

Allowed Uses – The Commercial Form-Based Code Gateway Development District – UCT generally follows the boundaries of the existing General Business areas along the Union/Center/Turner Street corridor, in effect at the time of the 2021 Comprehensive Plan update (see appendix). The Commercial Form-Based Code Gateway Development District – UCT should allow for medium-scale, multi dwelling development with up to four stories (plus attic space), with multiple commercial uses allowed that mirror existing form based code within the city to include, but not be limited to general offices, government uses, lab and research facilities, low impact industrial, studios, parks and open spaces, veterinary services, medical and dental clinics, general retail, restaurants, schools, churches, convenience stores with gas stations, specialty shops, auto service stations, care facilities, lodging, clinics and hotels.

Development Standards – New development, redevelopment and substantial expansions should be subject to an enhanced set of development and design standards to assure that this area evolves as an attractive gateway. These standards should maintain appropriate setbacks for

new development, encouraging shallow or no front setbacks, screen parking areas from the street and provide incentives for the use of shared driveways and curb-cuts. Provisions for on street parking should be encouraged. All uses in this district should be located, sited and landscaped in such as manner as to preserve open space, control vehicle access and traffic and provide adequate buffering and natural screening from Union/Center/Turner Streets. This designation is intended for areas near, in, along neighborhood corridors and for transit-supportive densities.

VILLAGE OVERLAY AREAS (VOA)

Objective – In residential Future Land Use Districts, small commercial operations should be allowed provided they do not exceed the average lot size of the neighborhood (or more than two times the average size of the home). As part of the comprehensive rezoning, the City should identify village overlay areas where these small commercial operations are most appropriate, such as corner lots. Considerations for appropriate areas should include: frontage on a major arterial as defined in the Comprehensive Plan, access to any required parking be located on the arterial frontage, buffering of any parking areas from lot lines and signage limitations.

PLANNED UNIT DEVELOPMENTS (PUD)

Objective – As part of the comprehensive rezoning process, the City should continue to provide for a greater variety and choice of design for urban and suburban living, to gain efficiencies, to coordinate design development efforts, to consider and make available open space, to utilize new technologies for land development and to offer a flexible alternative to conventional land control regulations by allowing for Planned Unit Developments for residential, commercial and industrial projects. The type and amount of development permitted should continue to be based on the Planning Board's evaluation of the development proposal and the purposes set forth in the 2021 Auburn Code of Ordinances. The City should continue with the four types of Planned Unit Developments: Residential, Recreation/Residential, Commercial and Industrial and apply them to the newly proposed Future Land Use Designations after a comprehensive rezoning has taken place.

2. LIMITED GROWTH AREAS –

Type A: Development Areas

Designation: Residential

RESIDENTIAL DEVELOPMENT DISTRICT (LDD)

Objective – Allow for the development of residential and community uses at a density of up to 2 units per acre in areas on the fringe of the built-up area where public services can be reasonably provided, but where public sewerage is not available and is not likely to be available in the foreseeable future (see Figure 2.3). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads. Shared driveways should be encouraged by providing a 20% reduction in lot size and road frontage.

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

- Low Density Residential Dwellings
- Home occupations
- Community services and government uses

- Agriculture
- Small retail shops less than 3,000 square feet or 1.5 times the average size of the home within Village Overlay Neighborhoods.

Development Standards – Residential uses should be allowed at a density of up to 2 units per acre. Lot frontage requirements on existing collector and other through roads should be around 100 feet but should be reduced for lots that share driveways. In general, the minimum front setback should be 20 feet. Side and rear setbacks should be 15-30 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

RURAL DEVELOPMENT DISTRICT (RD)

Objective – Allow for the development of residential uses (primarily detached single family homes) at a density of up to 1 unit per 3 acres with one additional dwelling unit permitted for each home in areas where public/community sewerage and water are not available and not likely to be available in the foreseeable future. New development should be designed to minimize the number of vehicular access points to existing collector and other through roads. Shared driveways should be encouraged by providing for a 50-foot driveway frontage bonus. Setbacks within lots should be maintained.

Allowed Uses – The Rural Development district generally follows the boundaries of the Low-Density Country Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update ([see appendix 1](#)). The following general types of uses should be allowed within the Rural Development District:

- Low Density Residential Dwellings
- Home occupations
- Community services and government uses
- Agriculture
- Small retail shops less than 3,000 square feet or 1.5 times the average size of the home within Village Overlay Neighborhoods.

Development Standards – The residential density in the Rural District should be one unit per 3 acres. Lot frontage requirements should be around 200 feet but should be reduced for lots that share driveways. In general, the minimum front setback should be 25 feet. Side and rear setbacks should be 15-25 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

3. NON-GROWTH AREAS –

Type C: Protection/Reserve Areas

Designation: Conservation/Open Space

CONSERVATION/OPEN SPACE DISTRICT (COS)

Objective – Formally recognize those parcels that are used for cemeteries, water quality protection or are protected for conservation or open space purposes ([see Figure 2.3](#)). The land included within this district will change over time as additional land is conserved. The intent of this designation is to establish a policy that these types of properties/uses should be recognized as important resources and that any significant change in use should be considered a policy decision.

Allowed Uses – The allowed uses within the Conservation/Open Space District should be limited to low intensity recreational facilities and natural resource uses including forestry and food production.

Development Standards – The development standards should provide flexibility for the appropriate use of the land, while protecting its natural resource and ecological values.

AGRICULTURE DISTRICT (AG)

Objective – Preserve and enhance the agricultural heritage of Auburn and protect the City's natural resources and scenic open space while maintaining the economic value of the land (see Figure 2.3). The district is characterized by a rural, very low-density development pattern that limits sprawl and minimizes the City's service costs. The district maintains the current rural development pattern allowing for a broad range of agriculture and natural resource-related uses, while restricting residential development. Recreational development is encouraged both as a means of protecting open space, and as a means to provide reasonable public access to outdoor destinations such as Lake Auburn and the Androscoggin River. The Agriculture District is intended to serve as a land reserve, protecting valued community open space and rural landscapes, while maintaining the potential for appropriate future development.

Allowed Uses – The Agriculture District should continue to include the uses allowed in the existing AG/RP zoning district. In addition, a broader range of rural uses should be allowed. Agriculturally related businesses including retail and service activities and natural resource industries should be permitted. The reuse of existing agricultural buildings should be allowed for low intensity non-agriculture related uses.

Residential uses should continue to be limited to accessory residential development as part of a commercial agriculture or natural resource use, not just traditional farms. The criteria for determining when an accessory residential use is permitted should be based on updated standards that consider the economic realities of today's commercial agricultural activities, including outside sources of income and part-time and small-scale commercial operations. Residential development may also be part of a commercial recreational use as part of a planned development in which the recreational open space is permanently preserved.

Development Standards – All new development, redevelopment, and expanded uses in the Agriculture District should be required to meet “best management practices” for stormwater management and environmental protection to ensure adequate protection of natural resources. All development activities in the Agricultural District should be subject to low impact development (LID) standards such as limiting impervious surfaces, minimizing lot disturbances, creating natural buffers, and capturing and treating runoff through filtration measures.

The City should continue to encourage a very low density development pattern as a means of protecting natural resources and preserving the rural character. The basic residential density standard for the current AG/RP zoning district should be maintained. The standards for the development of accessory residential units should provide greater flexibility in the siting of those units. In an effort to place accessory residential development in areas where it will have the least impact on natural resource and/or the agricultural value of the land, the standards should allow for a waiver or elimination of road frontage requirements and access from a private driveway.

Residential development that is proposed as part of a master planned commercial recreational development should be limited to the same density standard (one unit per 10 acres) as other accessory residential uses, unless necessary for economic reasons to increase the density as a

project incentive. A recreational master plan should be required outlining the scope, scale, and location of residential units and ensuring a cluster development pattern in which the majority of the land is retained as recreation/open space. A conservation easement, or other legally binding preservation measure, should be required to permanently conserve the recreation/open space areas.

As part of the 2021 Comprehensive Plan update, it is understood that agriculture and forestry **may not** be profitable in some areas of the City and the existing Agriculture and Resource Protection Zoning, in some cases, eliminates the economic use of private land. The City should create a mechanism in which private landowners can petition the City for a change of use based on the individual circumstances of their lot(s).

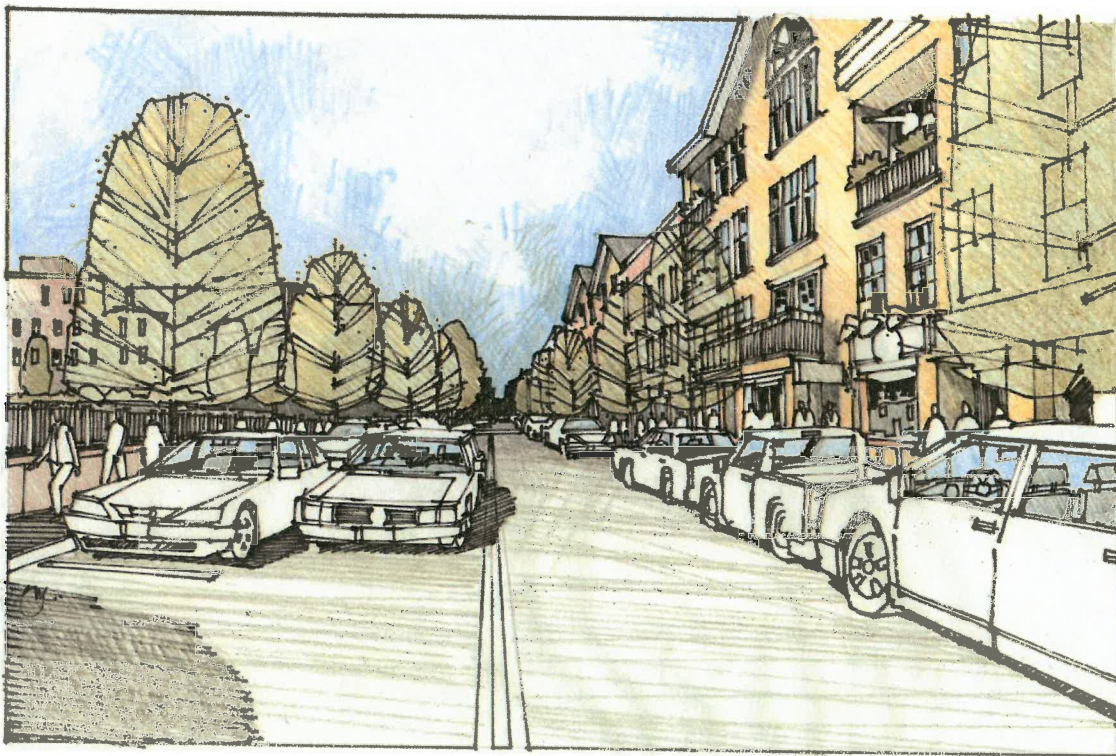
The City also recognizes differences between Agriculture and Resource Protection, and as such it is recommended that the districts be treated separately within the zoning ordinance (Agricultural District and Conservation/Open Space District). This committee acknowledges that in practice there is overlap between Agriculture and Resource Protection, and that the conversation about how to distinguish the two should include a broad group of voices including residents, relevant City Committees (Conservation Commission, Agriculture Committee, etc) and experts who can support the City in meeting its goal to untangle these activities.

	40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any sidewalk or travel way. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 65, 3-15-2021)

Sec. 60.549. Traditional Downtown Neighborhood T-4.2.

Illustrative View of T-4.2 (Spring Street)



Intent and Purpose: Traditional Downtown Neighborhood (T-4.2)

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



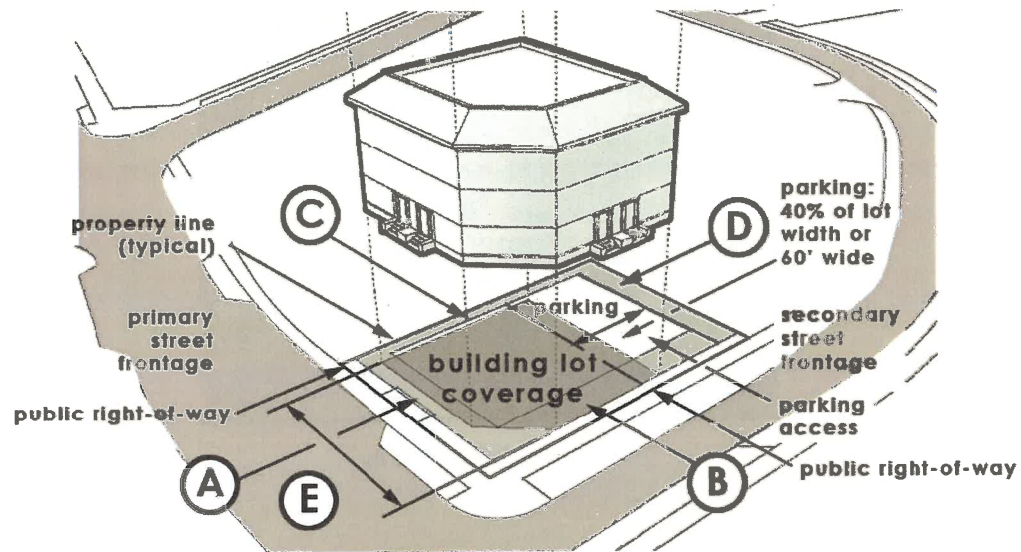


Characteristic Features

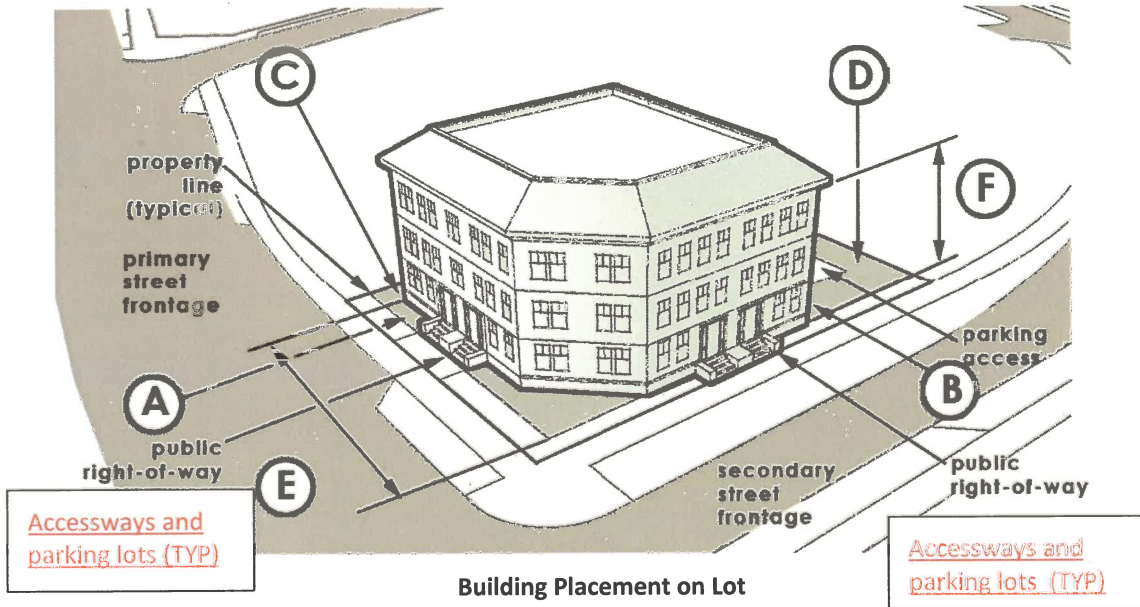
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-549.1. Building placement and configuration T-4.2.



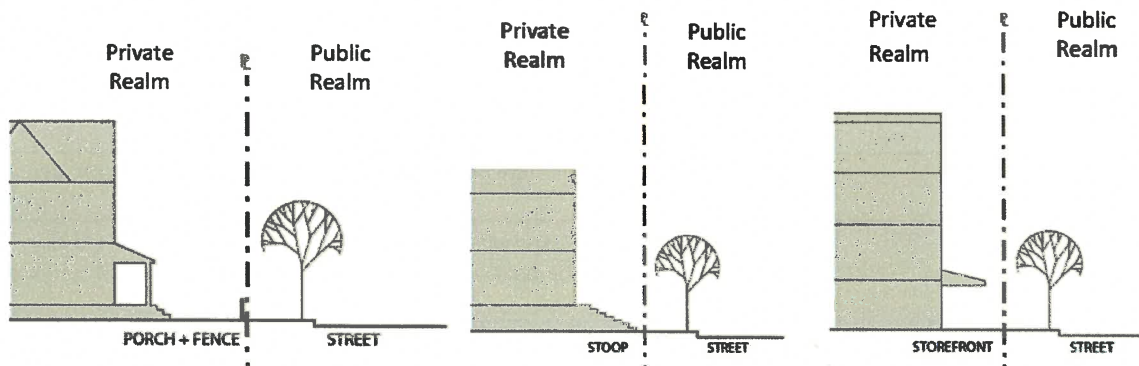
Elevated Building Placement



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

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60.549.2. Building frontages T-4.2.



Common or Porch Yard Stoop Yard Frontage Storefront Type

BUILDING FRONTAGE TYPES:	Common Yard; Porch Yard, Stoop and Storefront
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	<u>Residential</u> - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. <u>Commercial</u> - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.

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(Supp. No. 21)

Ground Story Finished Floor Elevation:	<u>Residential</u> - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). <u>Commercial</u> - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 66, 3-15-2021)

Sec. 60-549.3. External elements T-4.2.

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

Sec. 60-553. Intent.

The conservation/open space district is reserved for natural resource and compatible open space uses such as agriculture and forestry, low-intensity recreation, facilities that provide water access and similar low impact uses. Uses that involve significant development or impervious surfaces should not be allowed in this district. Uses such as utility lines and roads may be located within the district if there is no practical alternative.

(Ord. No. 30-06212021, 7-19-2021)

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

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

USE(1)	T-4.1	T-4.2 (4)	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 S	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	½ sp/employee plus 1 sp/room
Elderly/Child Care Facility	S	S	S	S	P	½ sp/employee plus 1 sp/ 8 users
Home Occupation	P	P	P	P	P	Based on Use Type (Ch. 60, Art. IX)
Community Based Residential Facilities	P	S P	P	P	P	1 sp/employee plus 1 sp/client
Boarding House/ Lodginghouse	P	P S	P	S	X	1 sp/guestroom plus
						1 sp/employee
Office/Service Type Use						
Professional Offices	S	S	P	P	P	None
Medical and Dental Clinics	S	S	P	P	P	None
Personal Services	S	S	P	P	P	None
Retail Type Use						

General Retail	S	S	P	P	P	None
Age Restricted Retail (3)	S	S-X	S	S	S	None
Specialty Shops	S	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		S-X	S	P	P	None
Halls, Private Clubs, Indoor Amusement	S	S	S	P	P	None
Artist Studios, Performing Art Center	S	S	P	P	P	None
Civic						
Church or Places of Worship	S	S	P	P	P	None
Government Offices	X	X-S	P	P	P	None
Art Galleries	S	P	P	P	P	None
Transportation Facilities	X	X	S	S	S	None
Adaptive Reuse of Structures of Community Significance	S	S	S	S	S	None

Notes:

- (1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.
- (2) *Parking requirements in T-4.2, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 1,000-500 feet of the principal building, subject to planning board approval.
- (3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.

(4) Office, Service and Retail uses limited to 1,500 Sf footprint and must have an upper floor residential unit, with drive- through access not allowed.

(5) Density of 14 dwelling units per net acre, unless special exception, subject to planning board approval.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021)

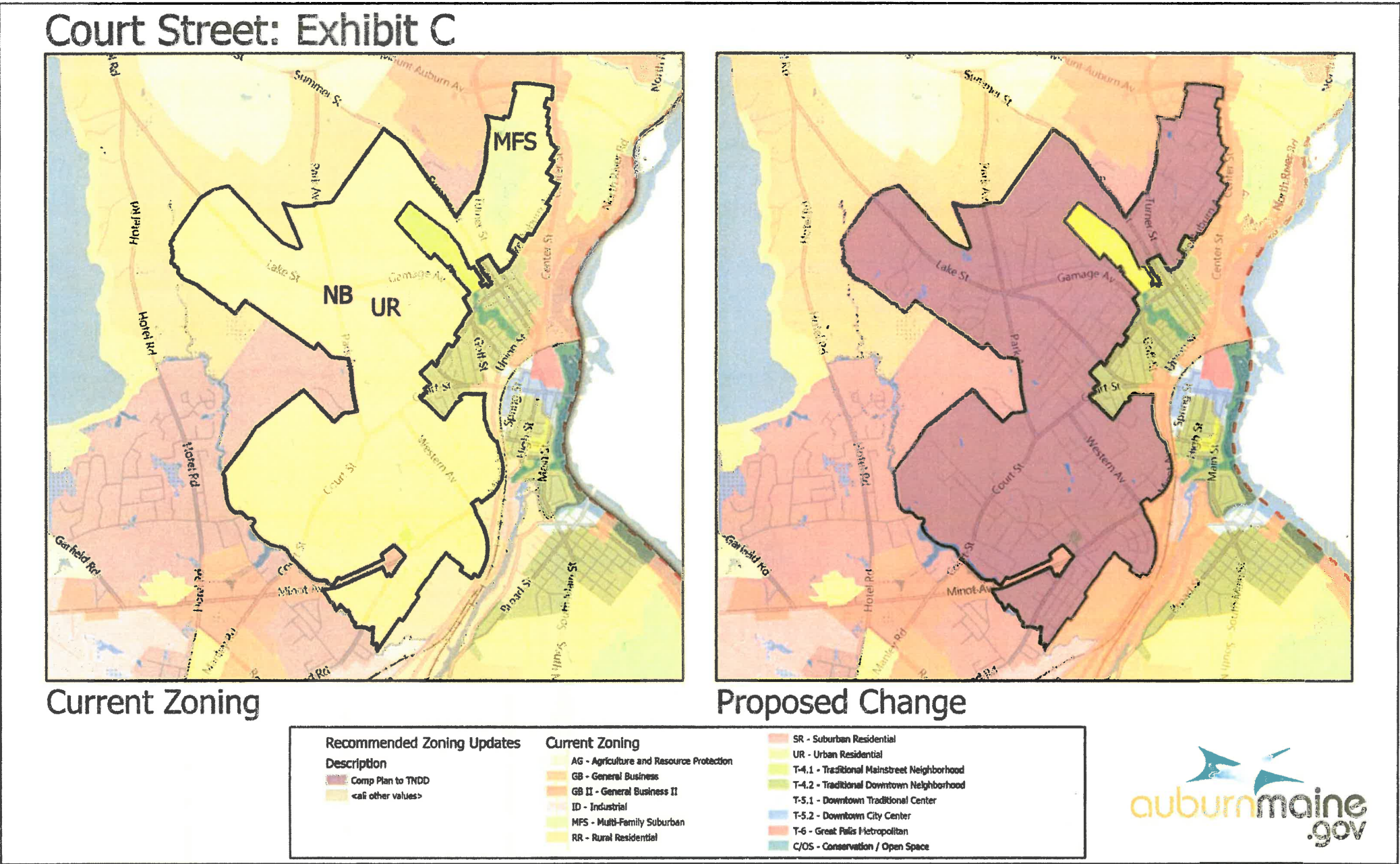
Subdivision II. Form Based Code Administration

Sec. 60-555. Form based code administration.

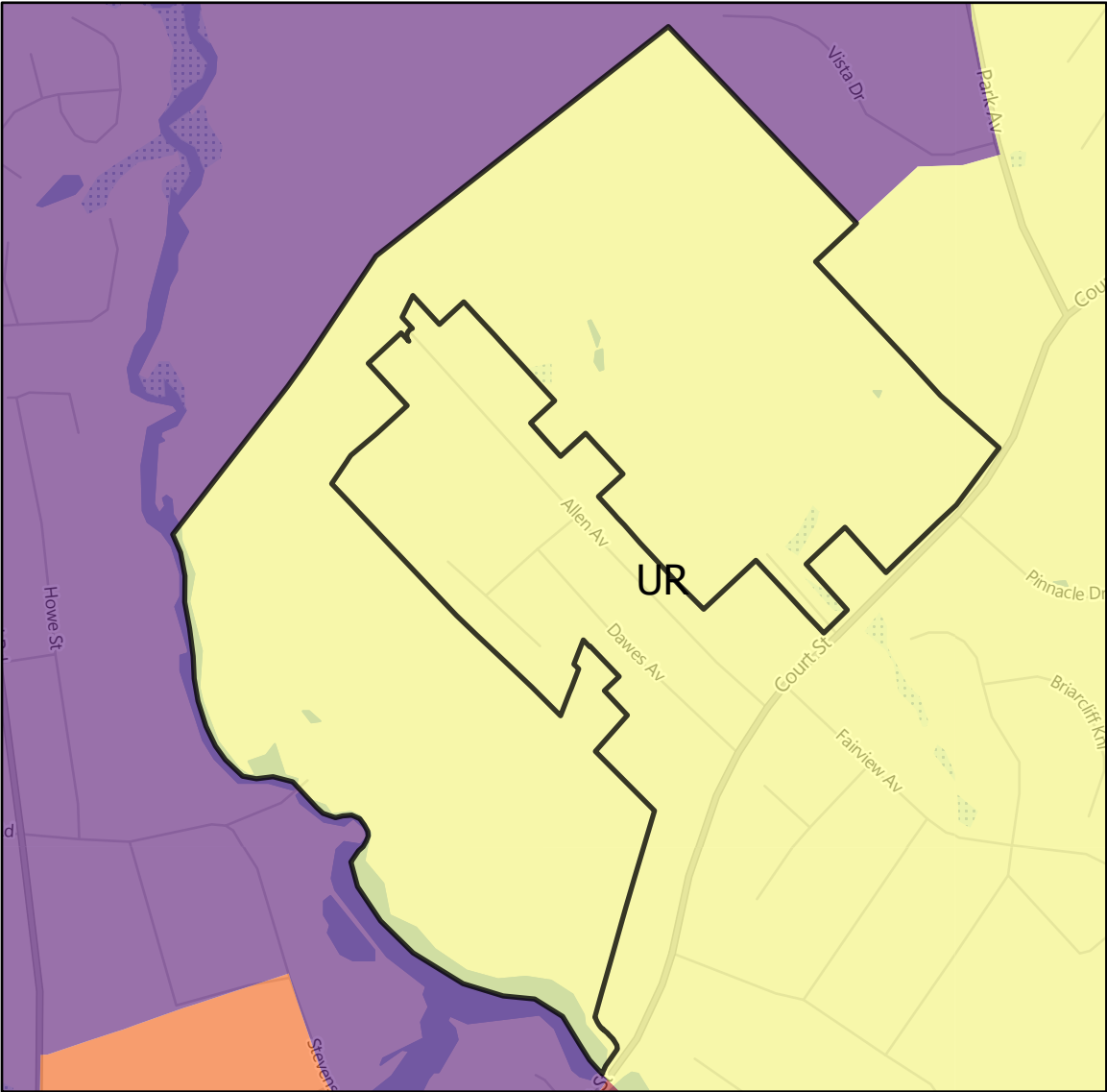
Form based code relation to zoning ordinance:

- (1) The form based code shall regulate areas designated as form based code districts.
- (2) All buildings and land uses located within a form based code district shall comply with section 60-33 et seq. (General Provisions) unless specifically stated otherwise in sections 60-546 to 60-558 of the form based code.
- (3) Site plan/special exception. Any project located within a form based code district that requires special exception or site plan review shall comply with section 60-45.

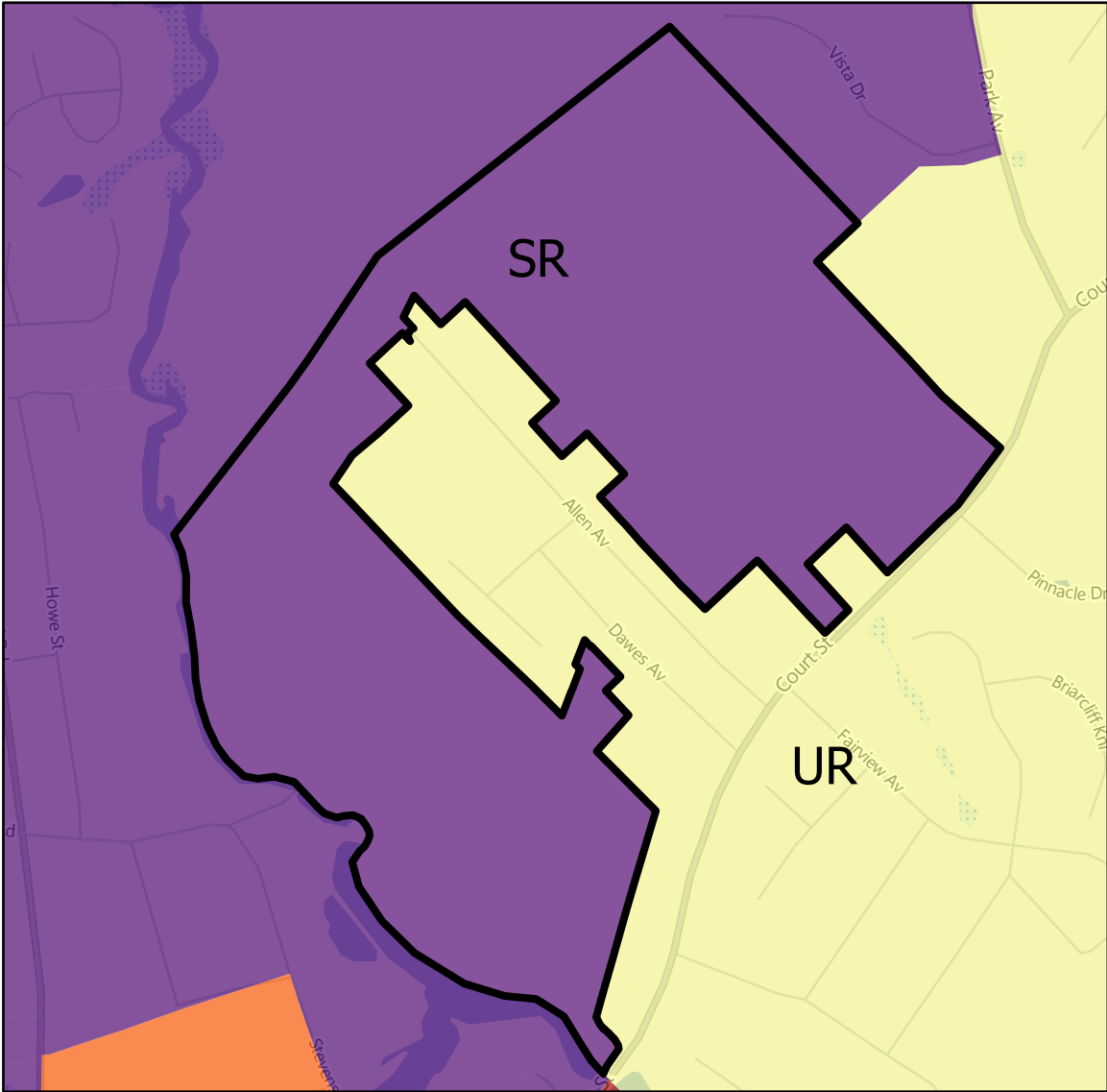
Proposed Urban Residential to Traditional Neighborhood Development District Area:T-4.2 (1,687.41 Acres)



Court Street: Exhibit C - Revised / Limited



Current Zoning



Proposed Change

Legend

GB - General Business

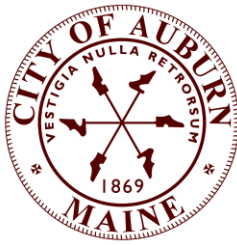
GB II - General Business II

SR - Suburban Residential

UR - Urban Residential

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City Council Ordinance

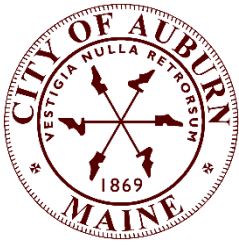
IN CITY COUNCIL

Be it ordained, that the City Council amend the boundary be adjusted from Urban Residential and Multi-Family Suburban to Traditional Neighborhood Development District; T-4.2 the total amendment includes 1,687.41 acres shown on the map as Exhibit C attached, and amended text of Traditional Downtown Neighborhood T-4.2, Sec. 60-554 found in Exhibit B attached.

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

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

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



**City of Auburn
City Council Information Sheet**

Council Public Hearing or Meeting Date: March 28, 2022

Author: Eric J. Cousens, Director of Planning and Permitting

Subject: Court Street/City Core of Urban Residential Area; 1,687.41 acres of Urban Residential to Traditional Neighborhood District Areas; T-4.2B

Information: The comprehensive plan update adopted on December 6, 2021 identified zoning map and text amendments needed to implement the goals of the plan updates. The area under discussion was recommended as follows: *Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).*

The Planning Board and Council considered an approach to this that staff has recommended be voted down in favor of a new approach to create a new zoning district that better fits the area and incorporates a map and text component as the Council voted to do on 3/21/2022. A draft of the text and map are attached.

Staff Recommended Action: Staff suggests council discuss the proposed changes and vote to send the revised text of the T-4.2B district and Map on Exhibit C to Planning Board for public hearing and recommendation to Council.

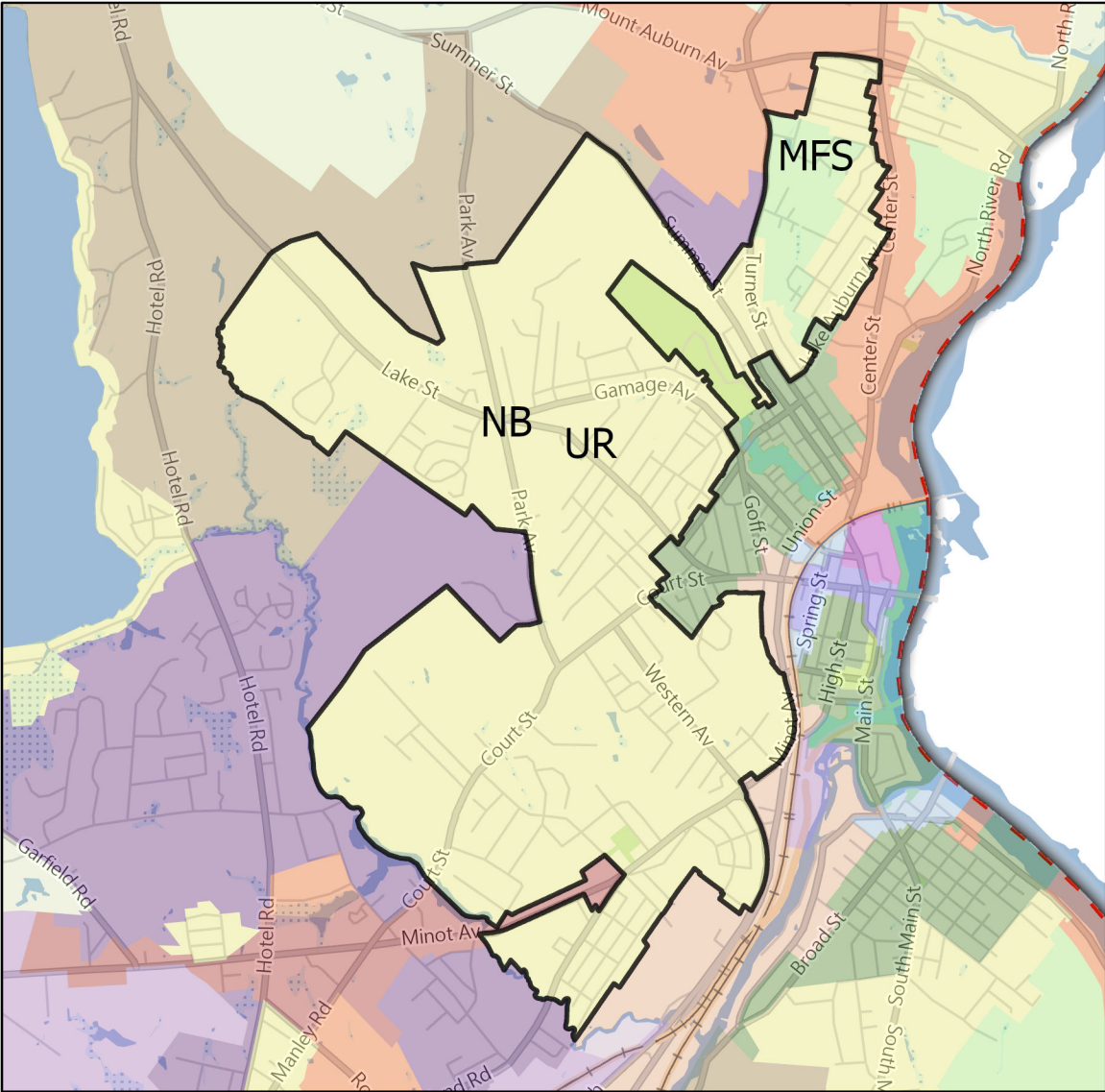
Previous Meetings and History: January 3rd Council Discussion Initiation, March 21, 2022 Council First Reading and February 8th and March 8, 2022 Planning Board.

City Manager Comments:

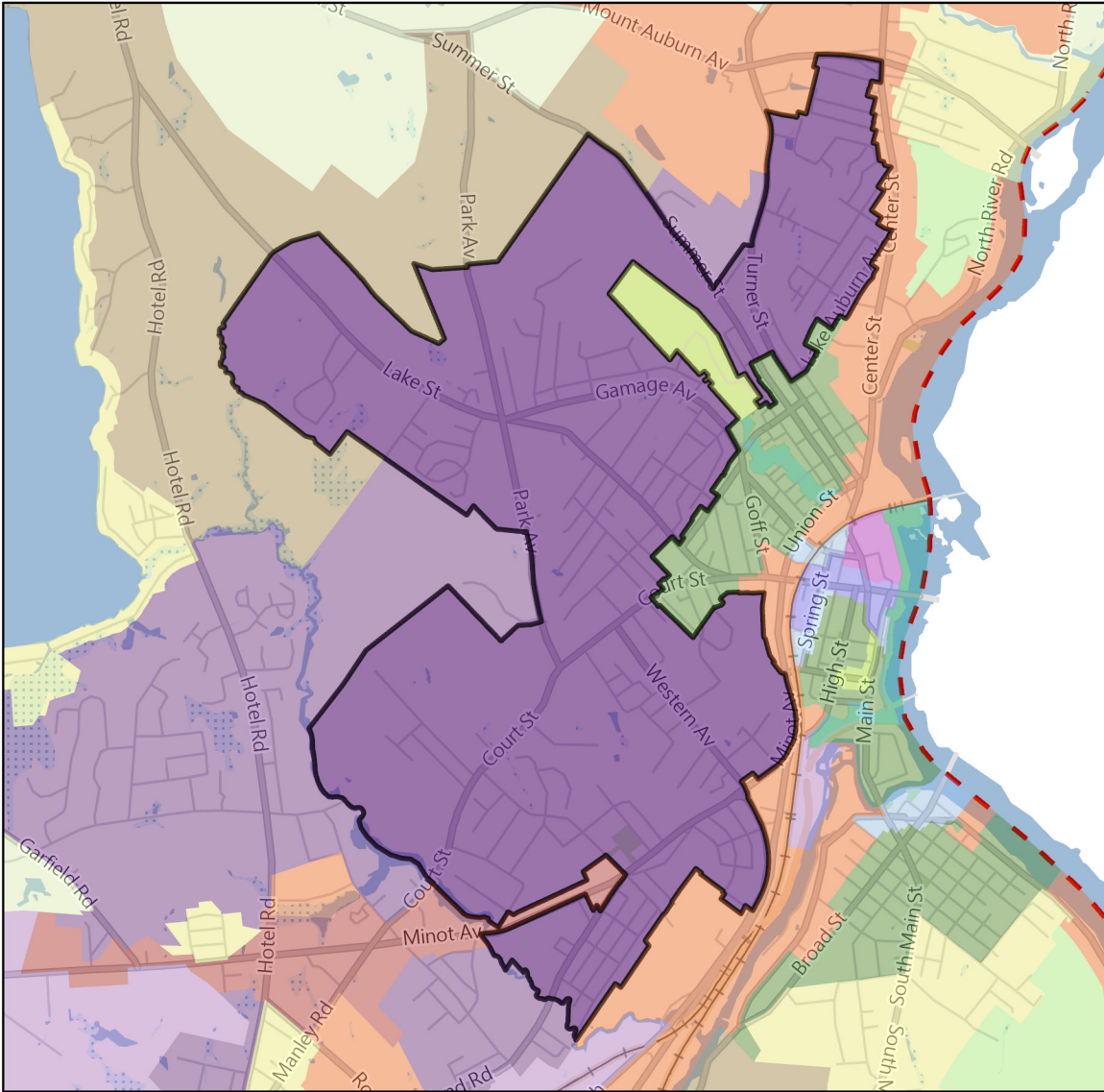
I concur with the recommendation. Signature:

Attachments: Comp Plan Update - Future Land Use Chapter Excerpts, Planning Board Recommendation, Order

















Court Street: Exhibit C



Current Zoning



Proposed Change

Recommended Zoning Updates		Current Zoning		Proposed Zoning	
Description					
	Comp Plan to TNDD		AG - Agriculture and Resource Protection		SR - Suburban Residential
	<all other values>		GB - General Business		UR - Urban Residential
			GB II - General Business II		T-4.1 - Traditional Mainstreet Neighborhood
			ID - Industrial		T-4.2 - Traditional Downtown Neighborhood
			MFS - Multi-Family Suburban		T-5.1 - Downtown Traditional Center
			RR - Rural Residential		T-5.2 - Downtown City Center
					T-6 - Great Falls Metropolitan
					C/OS - Conservation / Open Space

	40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory Structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any sidewalk or travel way. Street trees are encouraged.
Foundation Planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 65, 3-15-2021)

Sec. 60.549. **Traditional Neighborhood T-4.2B.**

Illustrative View of T-4.2B (Spring Street)



Intent and Purpose:

Traditional Neighborhood (T-4.2B)

The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood

sized storefronts. The smaller minimum and maximum building set-backs form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.



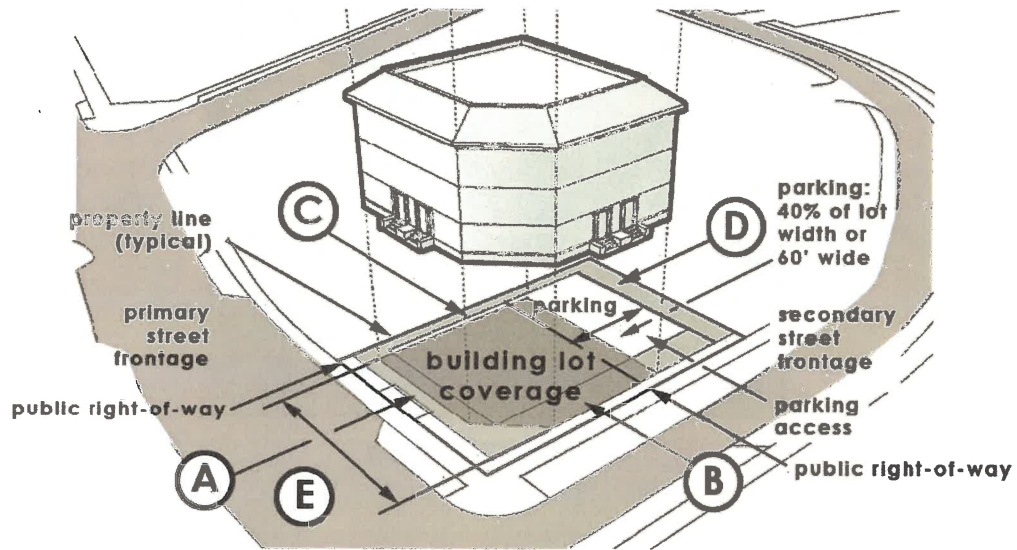


Characteristic Features

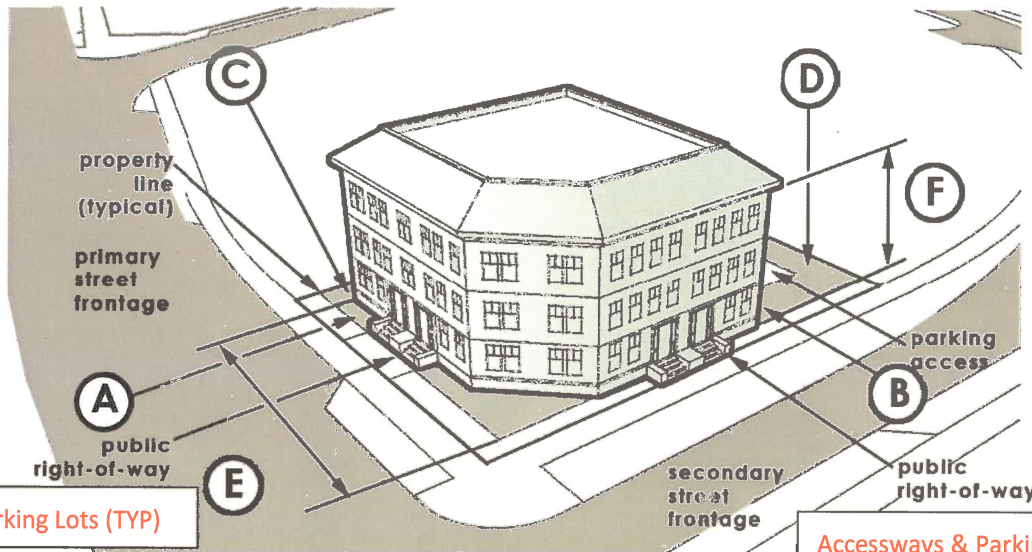
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60-549.1. Building placement and configuration **T-4.2B.**



Elevated Building Placement

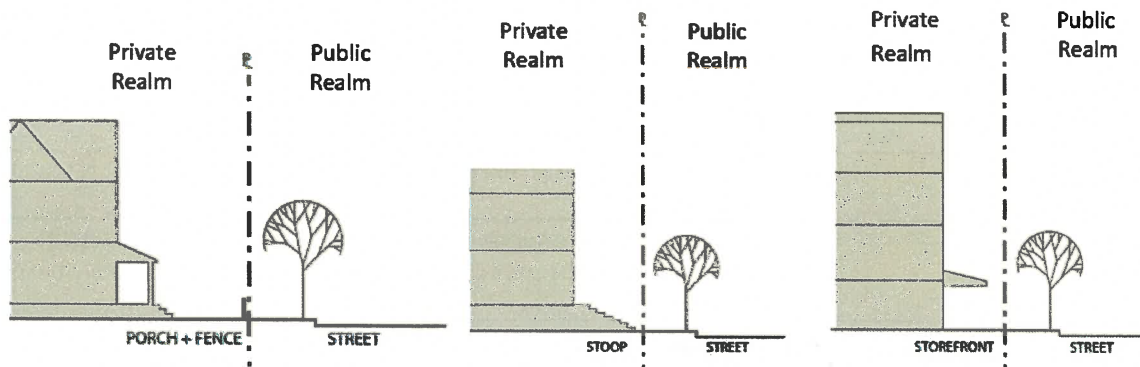


Building Placement on Lot

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

(Ord. No. 04-03072016, 5-16-2016)

Sec. 60.549.2. Building frontages **T-4.2B.**



Common or Porch Yard Stoop Yard Frontage Storefront Type

BUILDING FRONTAGE TYPES:	Common Yard; Porch Yard, Stoop and Storefront
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
Ground Story Building Frontage Facade:	<u>Residential</u> - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. <u>Commercial</u> - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper Story Building Frontage Facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.

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(Supp. No. 21)

Ground Story Finished Floor Elevation:	<u>Residential</u> - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). <u>Commercial</u> - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage Facade Wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 66, 3-15-2021)

Sec. 60-549.3. External elements T-4.2B.

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

Sec. 60-553. Intent.

The conservation/open space district is reserved for natural resource and compatible open space uses such as agriculture and forestry, low-intensity recreation, facilities that provide water access and similar low impact uses. Uses that involve significant development or impervious surfaces should not be allowed in this district. Uses such as utility lines and roads may be located within the district if there is no practical alternative.

(Ord. No. 30-06212021, 7-19-2021)

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

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

USE(1)	T- 4.1	T- 4.2B (4,5)	T- 4.2	T- 5.1	T- 5.2	T-6	PARKING REQUIREMENTS (2)
Residential Type Use							
Single Family	P	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	P	1 sp/DU
Multi-Family	P	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & Breakfast < 4 Rooms	S	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & Breakfast > 4 Rooms	S	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/Child Care Facility	S	S	S	S	S	P	½ sp/employee plus 1 sp/ 8 users
Home Occupation	P	P	P	P	P	P	Based on Use Type (Ch. 60, Art. IX)
Community Based Residential Facilities	P	S	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding House/ Lodging house	P	S	P	P	S	X	1 sp/guestroom plus
Office/Service Type Use							
Professional Offices	S	S	S	P	P	P	None
Medical and Dental Clinics	S	S	S	P	P	P	None
Personal Services	S	S	S	P	P	P	None
Retail Type Use							

General Retail	S	S	S	P	P	P	None
Age Restricted Retail (3)	S	X	S	S	S	S	None
Specialty Shops	S	P	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		X	S	S	P	P	None
Halls, Private Clubs, Indoor Amusement	S	S	S	S	P	P	None
Artist Studios, Performing Art Center	S	S	S	P	P	P	None
Civic							
Church or Places of Worship	S	S	S	P	P	P	None
Government Offices	X	S	X	P	P	P	None
Art Galleries	S	P	P	P	P	P	None
Transportation Facilities	X	X	X	S	S	S	None
Adaptive Reuse of Structures of Community Significance	S	S	S	S	S	S	None

Notes:

- (1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.
- (2) *Parking requirements in T-4.1 T-4.2, T-4.2B, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 500 feet of the principal building, subject to planning board approval.
- (3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.
- (4) Office, Service and Retail uses limited to 1,500 Sf footprint and must have an upper floor residential unit, with drive- through access not allowed.
- (5) Density of 14 dwelling units per net acre, unless special exception, subject to planning board approval.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021)

Subdivision II. Form Based Code Administration

Sec. 60-555. Form based code administration.

Form based code relation to zoning ordinance:

- (1) The form based code shall regulate areas designated as form based code districts.
- (2) All buildings and land uses located within a form based code district shall comply with section 60-33 et seq. (General Provisions) unless specifically stated otherwise in sections 60-546 to 60-558 of the form based code.



ORDER 46-03282022

City Council Order

IN CITY COUNCIL

ORDERED, That the City Council direct the Planning Board to review the attached proposed text and map amendments to the Court Street/City Core of Urban Residential Area; 1,687.41 acres of Urban Residential to Traditional Neighborhood District Areas; review the T-4.2B District text, hold a Public Hearing and forward a recommendation back to the City Council.

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

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

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