



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

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

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

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

STAFF RECOMMENDATIONS

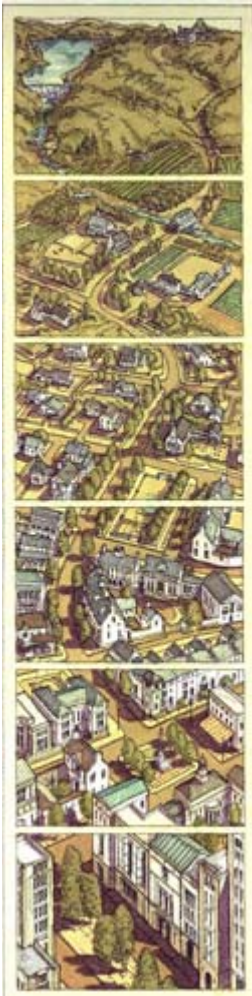
Hold a public hearing on creation of new Form-Based Code zoning district, T-4.2B and the application of the same new zone, T-4.2B to the Court Street area. The Board should review these as a single agenda item and forward a recommendation to Council.

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

- August 17, 2021, city council meeting: increased housing and form-based code
- December 21, 2020, city council meeting T-4.2 Downtown Enterprise District
- December 17, 2020, - June 16, 2021, comprehensive plan meetings
- March 1, 2021, city council meeting T-4.2 Court/Lake Street and Lake Auburn Avenue, Union, Lake, and Whitney Street areas
- April 27, 2021, community conversation: comprehensive plan update
- April 29, 2021, community conversation: comprehensive plan update
- May 4, 2021, community conversation: comprehensive Plan update
- March 31, 2022, community conversation: discuss zoning changes January 3, 2022, city council meeting
- January 11, 2022, planning board meeting Workshop: T-4.2 Court Street
- February 8, 2022, planning board meeting Public Hearing: T-4.2 Court Street
- March 8, 2022, planning board meeting Public Hearing: T-4.2 Court Street
- March 21, 2022, city council meeting: T-4.2 Court Street
- March 28, 2022, city council meeting: T-4.2B Court Street planning board directive
- April 14, 2022, planning board meeting workshop: T-4.2B areas A-D

- June 18, 2022, city council meeting- T-4.2B creation
- June 27, 2022, city council meeting- Court Street amendment workshop
- July 12, 2022, community conversation: zoning in Auburn
- July 18, 2022, city council meeting: T-4.2B first reading
- August 1, 2022, city council meeting- T-4.2B Court Street planning board directive and repeal 4.2 Court Street
- August 15, 2022, city council meeting: postpone T-4.2B Court Street
Update original dates from first approval

¹FORM-BASED CODE The Form Based Code Institute defines a form-based code as “a land



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

TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND)

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

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

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

and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

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

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

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

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

T-4.2B is a new zone distinct from T-4.1, T-4.2, T-5.1, T-5.2, and T-6. The attached text, Division 14.

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



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

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

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

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

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

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



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

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



FREQUENTLY ASKED QUESTIONS

How would T-4.2B affect my neighborhood?

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

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

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

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

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

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

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

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

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

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

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



⁶ T4 Rendering of Spring Street

that they found another job closer to where they live. Housing options need to reflect different families and individuals' lifestyles and incomes.

How might new zoning affect the housing crisis?

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

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

What can I expect?

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

ADDITIONAL READING

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

[Center for Applied Transect Studies](#)

[The Organization | CNU](#)

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

[Market — Missing Middle Housing](#)

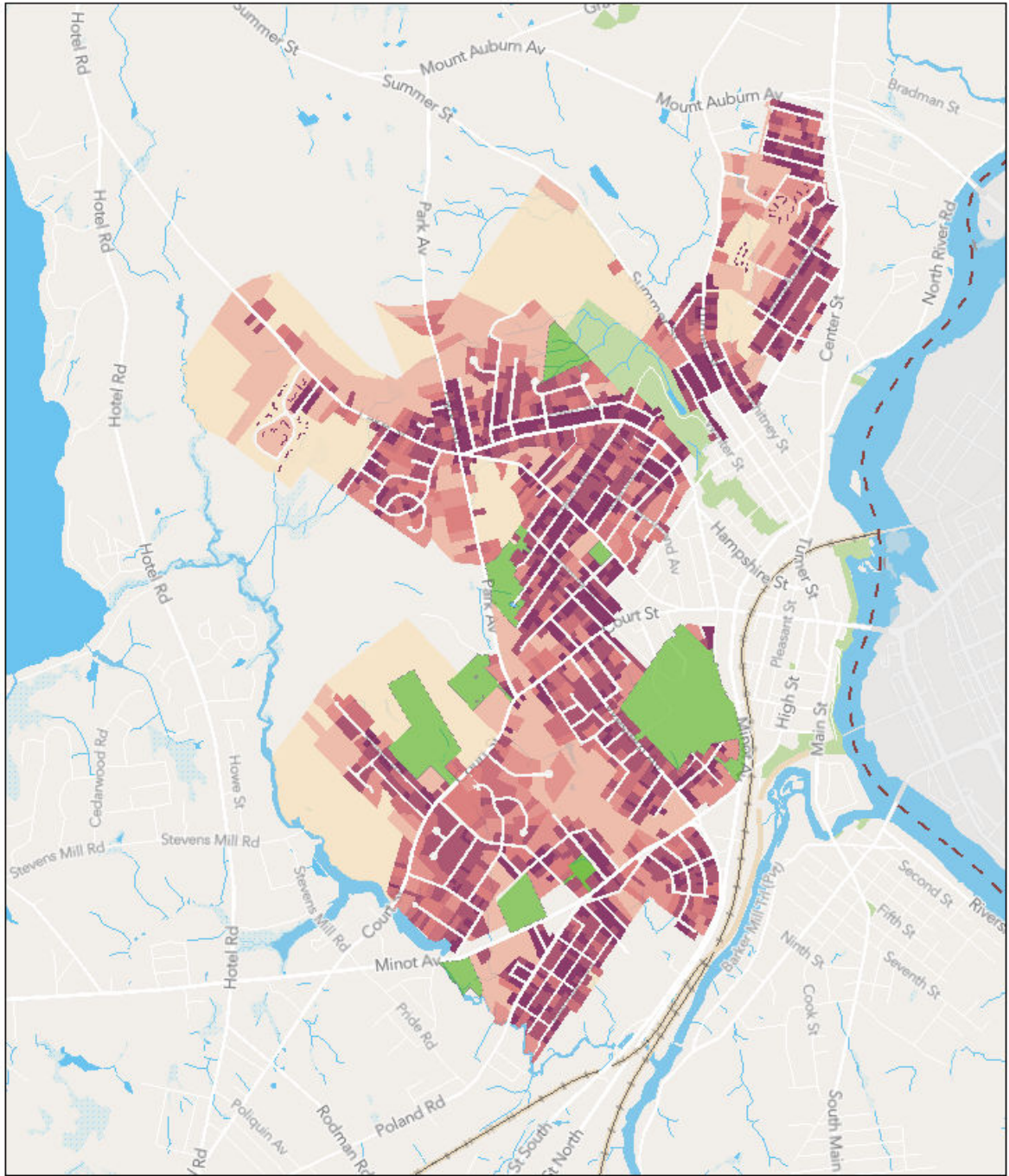
[How to Enable MMH — Missing Middle Housing](#)

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

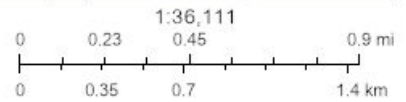
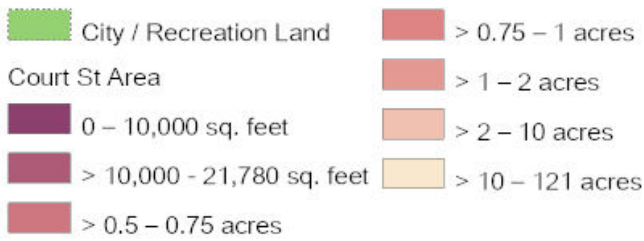
[3 Zoning Changes That Make Residential Neighborhoods More Affordable \(planning.org\)](#)

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

Court St By Acreage



8/19/2022



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