



## City of Auburn, Maine

Office of Planning and Permitting  
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To: Auburn Planning Board  
From: Justin L. Poirier, Urban Development Specialist & Megan Norwood, City Planner II  
Re: Form-Based Code Expansion  
Date: December 8, 2020

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### PROPOSAL:

To expand the T-4.2 - Traditional Downtown Neighborhood to the Downtown Enterprise district in the current New Auburn neighborhood zoned Multi-Family Urban in the area adjacent to Broad St., Cook St., Riverside Dr., and Second through Ninth Street.

At the November 10, 2020 meeting, the Planning Board wanted to know what type/amount of work would trigger the Form Based Code standards for existing structures. Section 60-556 of the Auburn Code of Ordinances discusses the types of reviews under the Form Based Code standards:

Sec. 60-556. - Form based code plan types.

(a) *Administrative types.*

- (1) *By right.* No permits are required for projects such as normal maintenance or for new structures under 200 square feet.
- (2) *Minor administrative.* Projects that require permits and comply with all form based code or zoning regulations, may be approved and permitted by the appropriate city departmental staff and will not require multiple departmental or planning board approval. These projects can be applied for at any time.
- (3) *Major administrative.* Projects that do not qualify as a Subdivision. Special exception or site plan review type plans and comply with all form based code or zoning regulations, but due to multiple issues, will require review by the multiple city departmental staff.

(b) *Discretionary type plans.* The following plan types shall require review and action by the planning board.

- (1) Subdivisions of three or more lots over a five-year period or a project creating more than three dwelling units. (Subdivision Review).
- (2) Any project listed as special exception or "S" in section 60-554, Use and Parking Matrix Chart. (Special Exception and Site Plan Review).
- (3) Any project within the form based code district proposing a total of 12,000 square feet of new construction, all floors included. (Special Exception and Site Plan Review).
- (4) Any amendment to an existing discretionary plan that increases existing square footage more than 25 percent.
- (5) Any project located within the form based code district area that seeks a waiver from the adopted form based code regulating development standards shall submit a complete Special Exception and Site Plan Review application for Planning Board review and action.

The Planning Board also had a question about how existing structures will be protected that may be too far from the road under the Form Based Code standards. In these cases, the structures will be protected under the nonconforming provisions in the ordinance. However, if the structural members were destroyed by more than 50%, they would have to move the building to meet the setback requirements, as they would be considered nonconforming structures. In most cases, these structures are already considered

nonconforming so the same standard would apply under the Multifamily Urban Zoning District in terms of reconstruction/replacement.

**DEPARTMENT REVIEW:**

- Police - No Concerns
- Auburn Water and Sewer – No concerns
- Fire Department/Code Enforcement – No concerns
- Engineering – No Concerns
- Public Services - No Concerns
- Airport – No Concerns
- 911 - No concerns

**PLANNING BOARD ACTION:**

1. To encourage new development, improve opportunities for new housing, and to better align the zoning to existing conditions the City Council has requested the Planning Board to review and make a recommendation on whether to expand the T-4.2 - Traditional Downtown Neighborhood to the Multi-Family Urban district noted above.

**STAFF RECOMENDATIONS:**

1. Form-Based Code Expansion - Staff recommends that the Planning Board find that the proposed expansion of the form-based code (“FBC”) into the Multi-Family Urban district in the New Auburn neighborhood more closely fits the existing conditions of this neighborhood and is consistent with Comprehensive Plan. In general, the FBC expansion will better align the current conditions regarding setbacks. FBC allows for 5-foot front and side setbacks in contrast with the current 25 feet. Most buildings in these districts are currently non-conforming because of this standard. Generally, the change recommended will have little impact on the allowed uses in the district.

Findings: The following sections of the Comprehensive Plan Support the proposed zoning amendments:

- Objective F.1.1: Maintain and increase the City’s population.
- Strategy G.2.10.c: Limit the need for new roads by encouraging infill development within the identified growth areas. (See Chapter 2. Future Land Use Plan)
- Strategy H.2.2.a: Assure that the City’s zoning and land use regulations allow private owners to improve properties in these neighborhoods.
  - i. Review and revise the zoning requirements, as needed, to allow existing homes to be improved and expanded as long as they maintain the character of the neighborhood in terms of setbacks, building height, lot coverage and similar factors.
  - ii. Review and revise the zoning requirements, as needed, to allow for redevelopment and infill development on vacant lots that is in character with the neighborhood in terms of lot sizes and density, frontage, setbacks, and similar dimensional requirements (see Chapter 2. Future Land Use Plan).
- Strategy H.2.4.a: Assure that the City’s zoning and land use regulations allow for private investments to improve property in these neighborhoods.
  - i. Review and revise the zoning requirements, as needed, to allow existing buildings to be improved and expanded as long as they maintain the character of the neighborhood in terms of setbacks, building height, lot coverage and similar factors.
  - ii. Review and revise the zoning requirements, as needed, to allow for redevelopment and infill development on vacant lots that is in character with the neighborhood in terms of lot sizes and density, frontage, setbacks, and similar dimension

- Other Land Use Policy 5. USE OF EXISTING RESIDENTIAL BUILDINGS In many of the older, developed areas of the City, the current configuration of space within residential buildings is functionally obsolete. Reconfiguration of the available space is often difficult under the density and lot size requirements of the current zoning ordinance. To address this issue, the Future Land Use Plan proposes that reuse/reconfiguration of the existing space within buildings for residential purposes be allowed without consideration of the density or lot size limitations in a number of land use districts. The objective of this proposal is to encourage property owners to modernize and reinvest in these properties. At the same time, the Future Land Use Plan recognizes that the reconfiguration of these buildings needs to be done in a way that is a benefit to the neighborhood and City, and does not create other problems. Therefore the proposed development standards in these land use districts call for the City to apply reasonable requirements to these situations to assure that there is adequate parking, that the character of the building and site is appropriate and protects neighboring properties, and that the properties are desirable living environments with green space. To assure that these objectives are met, the City should establish a mini-site plan review process for projects that want to make use of these provisions; it should include the opportunity for abutter involvement in the review and approval process.

SPACE & BULK REQUIREMENTS COMPARISON			
	MFU Standard	T-4.2 Standard	Downtown Enterprise Standard
<b>Front Setback, Principal</b>	25 Ft. or 25% Avg. Depth of Lot (Whichever is Less)	5 Ft. Min/, 15 Ft. Max	10 Ft.
<b>(Corner Lot) Front Setback, Secondary</b>	25 Ft. or 25% Avg. Depth of Lot (Whichever is Less)	5 Ft. Min/, 15 Ft. Max	10 Ft.
<b>Side Setback</b>	5 Ft., Increased 1 Ft. for Every 5 Ft. increase in frontage over 50 Ft. to a Max of 15 Ft.	5 Ft. Min.	5 Ft.
<b>Rear Setback</b>	25 Ft. or 25% Avg. Depth of Lot (Whichever is Less)	10 Ft. Min.	25 Ft. or 25% Avg. Depth of Lot (Whichever is Less)
<b>Building Lot Coverage</b>	50% of net acreage devoted to green area	70% Max.	Max lot area for building and parking areas: 75% for commercial, 65% for residential
<b>Usable Open Space</b>	50% of net acreage devoted to green area	10% Min.	Max lot area for building and parking areas: 75% for commercial, 65% for residential
<b>Frontage Build-Out:</b>	N/A	60% Min (along Front Setback, Primary)	N/A
<b>Lot Width</b>	1,2, 3 family: 50 Ft. 4-family: 100 Ft. Multifamily: 50 Ft.	24 Ft. Min, 120 Ft. Max	1,2,3,4 family, Mixed Use: 50 Ft. Multifamily/Commercial: 100 Ft.
<b>Lot Depth</b>	100 Ft.	N/A	100 Ft.
<b>Minimum Lot Area</b>	5,000SF for 1 <sup>st</sup> dwelling or unit and 1,500SF for each add'l	N/A	1-family: 5,000SF 2-family: 7,500SF 3-family, multifamily: 10,000SF + 2,000SF for each add'l unit Townhouses: 5,000SF + 1,500 for each add'l dwelling Mixed Use: 5,000SF – atleast 50% used for res. Commercial: 10,000SF

<b>Building Width</b>	N/A	14 Ft. Min, 110 Ft. Max	N/A
<b>Building Height Minimum</b>	N/A	1 Story Min.	N/A
<b>Building Height Maximum</b>	2 ½ Stories or 35 Ft. Church, temple, windmill: 65 Ft. with increased side setbacks.	3 Story Max.	4 ½ stories, 45 Ft. Religious steeple/tower: 90 Ft. if limited to 15% of footprint of principal bldg..

#### PARKING REQUIREMENTS COMPARISON

	MFU Standard	T-4.2	Downtown Enterprise
<b>RESIDENTIAL</b>			<i>For all uses, no portion of front yard, other than driveways, can be used for off-street parking</i>
Single Family	2 sp/DU	1 sp/DU	2 sp/DU
Duplex	1 ½ sp/DU	1 sp/DU	1 sp/DU
Townhouse	1 ½ sp/DU	1 sp/DU	1 sp/DU
Multi-Family	1 ½ sp/DU	1 sp/DU, 1 guest space/4 DU	1 sp/DU
Bed & Breakfast < 4 Rooms	1 per guestroom plus ½ per employee	1 sp/employee plus 1 sp/guest	1 per guestroom plus ½ per employee
Bed & Breakfast > 4 Rooms	1 per guestroom plus ½ per employee	1 sp/employee plus 1 sp/guest	1 per guestroom plus ½ per employee
Hotel	1 per guestroom plus ½ per employee	½ sp/employee plus 1 sp/room	1 per guestroom plus ½ per employee
Elderly/Child Care Facility	Elderly: ½ per dwelling unit, ½ per bed. Childcare: 1 per 300 sf gross floor area (retail business, or institution most closely related)	½ sp/employee plus 1 sp/ 8 users	Elderly: ½ per dwelling unit, ½ per bed. Childcare: 1 per 300 sf gross floor area (retail business, or institution most closely related)
Community Based Residential Facilities	1 per guestroom plus ½ per employee (hotel, motel, boardinghouse, tourist home most closely related)	1 sp/employee plus 1 sp/client	1 per guestroom plus ½ per employee (hotel, motel, boardinghouse, tourist home most closely related)
Boarding House/Lodginghouse	1 per guestroom plus ½ per employee	1 sp/guestroom plus 1 sp/employee	1 per guestroom plus ½ per employee
<b>OFFICE/SERVICE TYPE USE</b>			
Professional Offices	1 sp/ 200 sf, gross floor area	1 sp/400 sf	1 sp/400 sf, net floor area
Medical and Dental Clinics	1 sp/ 200 sf, gross floor area plus 1 per each dr	1 sp/400 sf	1 sp/200 sf, net floor area
Personal Services	1 sp/ 200 sf, gross floor area plus 1 per each dr. (office, business, medical or dental most closely	1 sp/400 sf	1 sp/ 200 sf, gross floor area plus 1 per each dr. (office, business, medical or dental most closely related)

	related)		
<b>RETAIL TYPE USE</b>			
General Retail	1 per 300 sf gross floor area	1 sp/400 sf	1 sp/400 sf
Age Restricted Retail (3)	1 per 300 sf gross floor area	1 sp/400 sf	1 per 300 sf gross floor area
Specialty Shops	1 per 300 sf gross floor area	1 sp/400 sf	1 per 300 sf gross floor area
Restaurant up to 30 seats w/16 outdoor	1 sp/ 3 seats or bench equivalent capacity	1 sp/4 seats	1 sp/4 seats or bench equivalent capacity
Restaurant over 30 seats w/16 outdoor	1 sp/ 3 seats or bench equivalent capacity	1 sp/4 seats	1 sp/4 seats or bench equivalent capacity
Halls, Private Clubs, Indoor Amusement	1 sp/ 100 SF floor area and floor area used for assembly	1 sp/400 sf	1 sp/ 100 SF floor area and floor area used for assembly
Artist Studios, Performing Art Center	1 sp/ 100 SF floor area and floor area used for assembly (meeting halls, convention exhibition halls most closely related)	1 sp/400 sf	(Residential artist studio – 1 space for 1 or 2 bdrm units, 2 spaces for 3+ bedrooms)
<b>CIVIC</b>			
Church or Places of Worship	1 sp/ 5 seats or equivalent bench seating	1 sp/5 seats	1 sp/ 5 seats or equivalent bench seating
Government Offices	1 sp/200 sf of gross floor area	1 sp/400 sf	1 sp/200 sf of gross floor area
Art Galleries	1 sp/ 100 SF floor area and floor area used for assembly (meeting halls, convention exhibition halls most closely related)	1 sp/400 sf	1 sp/ 100 SF floor area and floor area used for assembly (meeting halls, convention exhibition halls most closely related)
Transportation Facilities	1 sp/ 300 sf gross floor area (retail, business or institution most closely related)	1 sp/400 sf	1 sp/ 300 sf gross floor area (retail, business or institution most closely related)

**NOTE: The parking requirements for all districts are listed in Sec. 60-608. For uses that are not listed, the required number of spaces is determined by the municipal officer charged with enforcement and shall conform to the number of spaces for similar uses listed.**

**\*For Downtown Enterprise:**

Off-street parking provided as a private or municipal facility, within 500 feet of any use allowed in the DEZ may be included in the calculation of off-street parking requirements, if written documentation is provided indicating the permanent availability of off-street parking for the use in question. Parking areas may or may not be within the same zoning district.

One parking space may be eliminated from the total off-street parking requirement if two trees and flowering shrubs (or similar planting scheme) are provided and maintained along the lot frontage or within the lot so as to minimize views of the parking area and/or improve the streetscape.

One parking space may be eliminated from the total off-street parking requirement if a publicly accessible walkway is provide connecting two streets in the instance where a lot has the minimum required frontage on two parallel streets or where the lots are back to back and have the minimum required frontage on two parallel streets.

One parking space may be eliminated from the total off-street parking requirement if a significant and permanent public art contribution is provided.

For projects subject to special exception review, the planning board may reduce the total required off-street parking by up to 30 percent. Off-street parking is required to be met on site to the extent practicable based on the characteristics and use of the property. On-street parking may be allowed within 500 feet if no other off-street parking is available, subject to the approval of the community development department.