



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

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To: Auburn Planning Board
From: Megan Norwood, City Planner
Re: WORKSHOP: Proposed Amendment to the ordinance to add a definition for Tiny Homes and/or adjust the 700 square foot requirement for habitable space to be considered a single-family dwelling.
Date: November 9, 2021

I. PROPOSAL: Staff is using this opportunity to bring a few recent bills passed by the legislature before the Planning Board to initiate amendments to the zoning ordinance.

Effective October 18, 2021, a new law requires municipalities to permit tiny homes to be placed or erected on individual lots where single-family dwellings are allowed or as an accessory structure, subject to all applicable land use requirements as single-family dwellings or as an accessory structure. For purposes of this new law, “tiny home” has the same definition as previously outlined in the law (Title 29-A M.R.S. Section 101 (80-C)):

“Tiny home” means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:

A. Complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles;

B. Does not exceed 400 square feet in size;

C. Does not exceed any dimension allowed for operation on a public way under [Title 29-A]; and

D. Is a vehicle without motive power.

“Tiny home” does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing.

As part of recent Planning Board zoning amendments, the City has addressed one conflicting provision in the ordinance (having more than one principal structure on a lot) but the ordinance still requires that a one family (attached or detached) dwelling shall contain not less than 700 square feet of net floor area of habitable space. With the new law defining tiny homes as not exceeding 400 square feet in size and the fact that the City will regulate tiny homes as “single-families” a conflict is created between our ordinance and state statute that we would like to get ahead of.

Staff recommends the Planning Board initiate a zoning ordinance amendment to either add a new definition specific to tiny homes (see above) or amend the one-family (detached and attached) dwelling definition to adjust or remove the 700 square foot minimum.

The discussion about which option to choose is really based on whether or not the City wants to regulate homes differently based on size, dimension and their characteristics. For example, a tiny home is characterized as being less than 400 square feet but it also has other specific requirements such as having the home constructed on a frame or chassis. However, if someone wanted to construct a 399 square foot home on a permanent foundation – would the City want to prohibit that or regulate it differently from a tiny home? What about a 10x10 building on a full foundation vs. a frame/chassis?

Example of a 10x40 tiny home:



Example of a 20x20 home (on a full foundation):



II. DEPARTMENT REVIEW:

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

III. PLANNING BOARD ACTION/STAFF SUGGESTIONS: Staff recommends the Planning Board schedule a public hearing to initiate this zone change at the December 14, 2021 meeting.