



# City of Auburn, Maine

## Office of Planning & Permitting

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To: Auburn Planning Board  
From: Megan Norwood, City Planner  
Re: Ordinance Amendment Discussion: Improperly Referenced Ordinance Items, Capitalization & Word Placement Errors & Revisiting Ordinance Provisions Discussed During Project Reviews  
Date: February 09, 2021

**I. PROPOSAL:** Staff took the time to thumb through Chapter 60 of the Auburn Code of Ordinances in its entirety and pull out any items that are not referenced properly, spelling/grammar errors and created a list of ordinance provisions commonly questions during Planning Board reviews. We have summarized them below.

**a. Suggested Code Reference Corrections:**

1. Section 60-34: Should reference Division 9 (PUDs) not Downtown Enterprise.
2. Section 60-45(d): The reference to 60-525(b)(13) is Outpatient Addiction Treatment Clinics. It should be referencing new buildings over 5,000 square feet for Special Exception, which is 50-525(b)(14). This section also references 60-547(b)(4) which does not exist; it should reference 60-556(b)(3) which applies to projects over 12,000SF in the Form-Based Code subject to Special Exception. Lastly, it also references 60-578(b)(33) which are Child Day Care Centers; this section should reference 60-578(b)(35) which are Special Exception uses.
3. Section 60-51 references Article II of Chapter 6. Chapter 6 doesn't exist. It should be Chapter 14, Article IX – mass gatherings.
4. Section 60-78 references Article V, Division 10 is Downtown Enterprise. It should reference Division 9, which are the PUD standards.
5. Section 60-145(a)(1) references Sec. 60-173 which doesn't exist. It meant to reference 60-1010, which are the boundaries for manufactured housing and include the siting requirements. Also added division 6, after article XII which are the requirements pertaining specifically to the manufactured housing overlay district.
6. Section 60-145(b)(18) also references 60-174 which doesn't exist. It should reference 60-1010.
7. Section 60-146(1)(b) – Animal farm doesn't exist as a definition, the animal units are defined under farm, livestock.
8. Section 60-146(5) references Articles V-IX which include: Off-street parking and loading, signs, manufactured housing and mobile homes, excavation permit regulations and home occupation regulations. Since it is referring to off-street parking space requirements, it should just reference article V.
9. Section 60-201(b)(1) references special exception uses in the Ag-Zone only but includes LDCR in the division references - division 3 of article IV. LDCR references the Ag-Zone, why should it reference its own Zone in here? This is confusing and should be cleaned up by saying division 2, which is the Ag-Zone.
10. Section 60-202(1) – Animal farm doesn't exist as a definition, the animal units are defined under farm, livestock.
11. Section 60-202(5) references Articles V-IX which include: Off-street parking and loading, signs, manufactured housing and mobile homes, excavation permit regulations and home occupation regulations. Since it is referring to off-street parking space requirements, it should just reference article V.
12. Section 60-229(a)(4) references PUDs as division 10 again but they are under division 9. Also references division 4 of article XVII which is PB recommendations – should reference subdivision which is division 4 of article XVI. Someone accidentally added an extra I but makes a big difference when interpreting!
13. Section 60-230(1) Animal farm doesn't exist as a definition, the animal units are defined under farm, livestock.

14. Section 60-230(5) references Articles V-IX which include: Off-street parking and loading, signs, manufactured housing and mobile homes, excavation permit regulations and home occupation regulations. Since it is referring to off-street parking space requirements, it should just reference article V.
15. Section 60-255(a)(3) references PUDs again, which are in division 9.
16. Section 60-255(a)(8) Animal farm doesn't exist as a definition, the animal units are defined under farm, livestock.
17. Section 60-255(b)(2)(c) references Articles V-IX which include: Off-street parking and loading, signs, manufactured housing and mobile homes, excavation permit regulations and home occupation regulations. Since it is referring to off-street parking space requirements, it should just reference article V.
18. Section 60-256(5) references Articles V-IX which include: Off-street parking and loading, signs, manufactured housing and mobile homes, excavation permit regulations and home occupation regulations. Since it is referring to off-street parking space requirements, it should just reference article V.
19. Section 60-277(a)(3) references PUDs again as division 10 but they are under division 9.
20. Section 60-277(b) references division 6 as being the suburban residential district but it is division 5.
21. Section 60-278(5) references Articles V-IX which include: Off-street parking and loading, signs, manufactured housing and mobile homes, excavation permit regulations and home occupation regulations. Since it is referring to off-street parking space requirements, it should just reference article V.
22. Section 60-306(a)(4) The PUD reference should be division 9.
23. Section 60-306(b)(1) references UR district as division 7 but its division 6.
24. Section 60-307(5) references Articles V-IX which include: Off-street parking and loading, signs, manufactured housing and mobile homes, excavation permit regulations and home occupation regulations. Since it is referring to off-street parking space requirements, it should just reference article V.
25. Section 60-334(b)(1) MFS is division 7 not 8.
26. Section 60-335(5) references Articles V-IX which include: Off-street parking and loading, signs, manufactured housing and mobile homes, excavation permit regulations and home occupation regulations. Since it is referring to off-street parking space requirements, it should just reference article V.
27. Section 60-360(b) reference to signs should be article VI not V which is off-street parking and loading.
28. Section 60-382(3) change CB to GBII because we don't call it commercial business in the ordinance its referred to as Minot Ave (GBII).
29. Section 60-385(2)(b) references division 10, which is downtown enterprise. Should reference division 11 which are the neighborhood business standards.
30. Section 60-499(a)(1) MFS is division 7 not 9.
31. Section 60-499(a)(31) marijuana references chapter 11 article 14. Ch. 11 doesn't exist should be chapter 14, article XVIII.
32. Section 60-500(5) references Articles V-IX which include: Off-street parking and loading, signs, manufactured housing and mobile homes, excavation permit regulations and home occupation regulations. Since it is referring to off-street parking space requirements, it should just reference article V.
33. Section 60-525(a)(1) MFS reference should be division 7 not 9.
34. Section 60-525(a)(29) marijuana reference should be chapter 14, article XVIII.
35. Section 60-578(a)(27)(28) wrong reference update to say Chapter 14, article XVIII in both.
36. Section 60-579(5) references Articles V-IX which include: Off-street parking and loading, signs, manufactured housing and mobile homes, excavation permit regulations and home occupation regulations. Since it is referring to off-street parking space requirements, it should just reference article V.
37. Section 60-669(4) references Articles V-IX which include: Off-street parking and loading, signs, manufactured housing and mobile homes, excavation permit regulations and home occupation

- regulations. Since it is referring to off-street parking space requirements, it should just reference article V.
38. Section 60-739(b) change reference to 60-1475 which is notice to abutters. 1476 is reserved, doesn't exist.
  39. Section 60-607 (18) remove ADAPT reference and add in FBC.
  40. Section 60-526(5) references Articles V-IX which include: Off-street parking and loading, signs, manufactured housing and mobile homes, excavation permit regulations and home occupation regulations. Since it is referring to off-street parking space requirements, it should just reference article V.
  41. Section 60-558(c)(1) waiver requests remove law and review in brackets and just say site plan review.
  42. Section 60-843(a) should reference division 3 because division 4 is subdivision.
  43. Section 60-923(b)(4) the end references section 60-985(a) which doesn't exist. It means to reference 60-992(a), which lists setbacks for principal and accessory structures.
  44. Section 60-923(d) references subsection (c)(2) for converting building, should just reference subsection c.
  45. Section 60-990(c)(1)(a): Change reference from 30-990(c)(3) to 60-990.
  46. Section 60-990(c)(3) remove I which doesn't reference anything where it says I(3)(b) above.
  47. Section 60-991(c)(5) references Articles V-IX which include: Off-street parking and loading, signs, manufactured housing and mobile homes, excavation permit regulations and home occupation regulations. Since it is referring to off-street parking space requirements, it should just reference article V.
  48. Section 60-992(a) central business I, II and III don't exist.
  49. Section 60-1004(b) remove reference to 60-1003 – old timber harvesting standards
  50. Section 60-1004(b)(2) remove timber harvesting reference
  51. Section 60-1004(b)(3) remove timber harvesting reference
  52. Section 60-1004(b)(5) remove timber harvesting reference
  53. Section 60-1004(e) remove timber harvesting reference
  54. Section 60-1039(b)(4) remove article 11 after chapter 14 because it references tattoo licensing, it just meant to reference business licenses in general
  55. Section 60-1475 – Definition of abutters should reference 1473 not 1476.

**b. Suggested Spelling/Grammar Corrections:**

1. **Chapter 60, Article I – In General, Section 60-4(b)**  
Correct spelling of “classification” to “classification” in zoning district table.
2. **Chapter 60, Article II – General Provisions, Section 60-47**  
Capitalize “a” at the beginning of “all other yards...” after first sentence.
3. **Chapter 60, Article IV – District Regulations, Section 60-146(4)**  
Under height, change language from “two and one-half stories of 35 feet in height” to “two and one-half stories **OR** 35 feet in height.”
4. **Chapter 60, Article IV – District Regulations, Section 60-307(4)**  
Under height, change language from “2½ stories of 35 feet” to “2½ stories **OR** 35 feet.”
5. **Chapter 60, Article IV – District Regulations, Section 60-335(1)(e)**  
Capitalize “m” at the beginning of “more than one principal” after the second sentence.
6. **Chapter 60, Article IV – District Regulations, Section 60-386(8)**  
Correct spelling of “distrct” to “district” in the sentence beginning with “the requirements of this chapter applicable to the underlying district...”
7. **Chapter 60, Article IV – District Regulations, Section 60-420(e)**  
The first sentence says “the planning board may require adequate assurance **in a form consistent in a form acceptable** to the planning board...” should be corrected to say “in a form consistent and acceptable...”
8. **Chapter 60, Article IV – District Regulations, Section 420(g)(3)(d)**  
Remove period after “a” and “b” where it says “...under subsection (g)(3)a. and b...” to be consistent with the paragraph above.
9. **Chapter 60, Article IV – District Regulations, Section 60-500(4)**

- Correct “commis-sion” in the second sentence starting with “Religious buildings, municipal buildings or buildings...” to remove the dash.
10. **Chapter 60, Article IV – District Regulations, Section 60-548.3**  
In the “External Elements T-4.1” table under residential parking, update “ONLV” to “ONLY.”
  11. **Chapter 60, Article IV – District Regulations, Section 60-549.2**  
In the “Building Frontages” table under “ground story finished floor elevation” for both residential and commercial, change “STORV” to “STORY.”
  12. **Chapter 60, Article IV – District Regulations, Section 60-550.3**  
In the “External Elements T-5.1” table under front yard fence (residential) update “VARD” to “YARD.” Under “building projections” remove “stoop” as it is discussed below under encroachments. Under parking (residential) update “STORV” TO “STORY.”
  13. **Chapter 60, Article IV – District Regulations, Section 60-551.2**  
In the “Building Frontages T-5.2” table under ground story finished floor elevation (residential) update “STORV” to “STORY.”
  14. **Chapter 60, Article IV – District Regulations, Section 60-552**  
In the “Key Features” bullet list fix “\*;enStreetscape elements” to remove the “\*;en” from in front of Streetscape.
  15. **Chapter 60, Article IV – District Regulations, Section 60-552.2**  
In the “Building Frontages T-6” table under Building Envelope Articulation fix “Upper story building frontage “fagade” to “façade”
  16. **Chapter 60, Article V – Off-Street Parking and Loading, Section 60-607(6)**  
In the sentence starting with “no required parking area or driveways servicing same” add a “the” before “same” for clarification purposes.
  17. **Chapter 60, Article V – Off-Street Parking and Loading, Section 60-609**  
In the off-street loading space requirements table, under “land use” update the “retail trade, manufacturing and hospital establishment with over 5,000 square feet of gross” to add “floor area” after gross. Under “minimum number of off-street loading spaces” bump the word requirements up onto the same line as loading in the table.
  18. **Chapter 60, Article VI – Signs, Section 60-638(a)(10)(d)**  
Remove the word sign after “designee” in the sentence “if such a hazard is created the director of planning and permitting or his designee sign may...”
  19. **Chapter 60, Article VIII – Excavation Permit Regulations, Section 60-703(f)**  
Added an “in” to the first sentence “the Lake Auburn Watershed Protection Commission and gravel pits grandfathered this article...” to say “...grandfathered IN this article...”
  20. **Chapter 60, Article X – Access Management Standards, Section 60-772(3)(c)**  
Remove the capital “S” in the sentence “uses with a drive-through facility which generateS...”
  21. **Chapter 60, Article X – Access Management Standards, Section 60-799, 60-799(1)**  
Update “site” under “safe site distance” to “sight”
  22. **Chapter 60, Article X – Access Management Standards, Section 60-800(a)**  
Capitalize the “t” in “the” at the start of the second sentence.
  23. **Chapter 60, Article XI – Wireless Communications Facilities, Section 60-839(b)**  
Add an “of” in the first sentence to read “unless subject to the provisions OF subsection (a)...”
  24. **Chapter 60, Article XII – Environmental Regulations, Section 60-892(c)**  
Capitalize the “t” at the beginning of the second sentence starting with “This division.”
  25. **Chapter 60, Article XII – Environmental Regulations, Section 60-921(a)**  
In the last sentence where it says it is the policy of the to guide growth, add “city” after the.
  26. **Chapter 60, Article XIII – Environmental Performance Standards, Section 60-1070(1)(d)**  
Remove the second “and” at the end of the sentence where it says “March 1991, and and all building...”
  27. **Chapter 60, Article XVI – Administration and Enforcement, Section 60-1365(2)(a)**  
Replace “lost” with “lots” to correct the spelling error.

**c. Suggested Ordinance Changes from Project Reviews**

1. Section 60-307(1)(e) (Multifamily Suburban) recommend reconsidering the 200 feet in depth for multifamily when it isn’t required for a three-family or four-family. Three or more families is our

- definition for multifamily. Suggest removing 3 and 4-family references entirely and keep the minimum depth of 100 feet and utilize the minimum lot area to dictate the depth.
2. Section 60-307(2) recommend updating the density table reflecting the suggested change above to remove 3 and 4 family.
  3. Section 60-335(1)(d) (Multifamily Urban) similar to above, recommend reconsidering the 100 feet in width when it is 50 feet for 1-3 family. Three or more families is our definition for multifamily. Suggest removing 3 and 4-family references entirely, keep the minimum width of 200 feet and utilize the minimum lot area to dictate width.
  4. Section 6-335(2) recommend updating the density table reflecting the suggested change above to remove 3 and 4 family.
  5. Recommend removing Division 10 entirely, Downtown Enterprise, as it does not exist anymore with the change to FBC. As part of this change, recommend placing Division 10 in “reserved” so as not to affect the numbering/references of other districts.
  6. Section 60-525(b)(14) references permitted uses under the General Business section of the ordinance when this section is General Business II. To follow the other ordinances, it should reference section 60-525(a) instead of 60-499(a).
  7. Section 60-553 currently reserved, recommend adding a conservation/open space FBC purpose because it is a small district but is not explained anywhere in the ordinance for Staff or Developers to interpret its meaning/purpose.
  8. Section 60-668(b)(1) this section should require the lowest floor to be elevated 1 foot above the BFE (FEMA Guidelines).
  9. Section 60-992(a) recommend changing the lot depth from 120 feet to 150 feet to allow some more flexibility with permitting. We run into this issue a lot where property owners have, say 121 feet in lot depth and aren’t able to take advantage of the 50% of the lot depth measurement. Staff would have to notify the State on this change as it is to the Shoreland Zone ordinance.
  10. Section 60-1300 recommend changing 20 copies to 15 copies as we never use the 20 copies. We distribute copies as follows: 9 Planning Board members, 3 Planning Staff members, and remaining Staff that would like paper copies, most review electronically.
  11. Section 60-1363(a)(1) recommend removing computer aided drafting disk and replace with “electronic copy.” Mylar copies are no longer required at the Registry of Deeds, recommend removing references to Mylar and update to only require 15 copies instead of 20.
  12. Section 60-1363(b)(1) under filing, remove references to Mylars.
  13. Section 60-1363(b)(2) with the update to remove Mylar, recommend updating text to require 6 sets of plans.
  14. Section 60-1367 pertains to recreation/open space standards, updated to specify that it applies to single-family residential subdivisions.
  15. Reference Correct Staff Member throughout Ordinance: DIRECTOR OF PLANNING & PERMITTING or their DESIGNEE

## 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 RECOMMENDATIONS:** This item is on the Planning Board agenda as a workshop item. Staff recommends the Planning Board have an initial discussion about these amendments and ID any others that may have been missed. The City Council will begin tackling the ordinance amendments (from all Chapters) in the next few months. The Planning Board will be required to make a recommendation on any amendments to Chapter 60, even small spelling errors!