



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: Megan Norwood, City Planner
Re: Proposed Amendment to Remove Division 10 of Chapter 60, Downtown Enterprise
Date: March 25, 2021

I. PROPOSAL: With the current Form-Based Code zone changes, the Downtown Enterprise zoning district no longer exists. Staff recommends striking Division 10 of Article IV, Chapter 60 from the ordinance and leaving the division as “reserved.”

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

II. PLANNING BOARD ACTION/STAFF SUGGESTIONS: Staff suggests the Planning Board offer a recommendation to the City Council to remove Division 10 of Article IV, Chapter 60 from the ordinance as the zoning district no longer exists.

~~DIVISION 10. DOWNTOWN ENTERPRISE ZONE~~

~~Sec. 60-439. Purpose.~~

~~To promote the historic, economic, operational, and visual character of the established residential areas within downtown Auburn, by introducing incentives for reinvestment while maintaining the essential physical integrity of the area consistent with Auburn's Downtown Action Plan for Tomorrow.~~

~~(Ord. of 9-21-2009, § 3.52A)~~

~~Sec. 60-440. Use regulations.~~

~~(a) Permitted uses. The following uses are permitted:~~

- ~~(1) One, two and three family homes.~~
- ~~(2) Townhouses.~~
- ~~(3) Bed and breakfast homes with four or fewer rooms for rent.~~
- ~~(4) Restaurants, diners or cafes with up to 50 seats, but not to include drive-in facilities. An additional 25 outdoor seats may also be permitted subject to all municipal health and safety codes.~~
- ~~(5) Artist studios, up to two such studios per building.~~



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- ~~(6) Art galleries.~~
 - ~~(7) Performing arts centers owned and operated by a public agency.~~
 - ~~(8) Antique shops.~~
 - ~~(9) Clothing stores.~~
 - ~~(10) Furniture stores.~~
 - ~~(11) Bookstores.~~
 - ~~(12) Elderly day care centers.~~
 - ~~(13) Child day care centers.~~
 - ~~(14) Medical and dental clinics.~~
 - ~~(15) Grocery stores, up to 1,000 square feet of gross floor area.~~
 - ~~(16) Office space, up to 5,000 square feet.~~
 - ~~(17) Retail bakeries.~~
 - ~~(18) Specialty shops.~~
 - ~~(19) Accessory uses and structures commonly associated with the uses in this subsection (a).~~
 - ~~(20) Municipal uses and government buildings.~~
- ~~(b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:~~
- ~~(1) Apartment buildings of four or more dwelling units.~~
 - ~~(2) Bed and breakfast inn with five, but not more than ten rooms for rent.~~
 - ~~(3) Restaurants, dining rooms or lunchrooms with more than 50 seats, but not to include drive in facilities. Up to 25 outdoor seats may also be permitted subject to all municipal health and safety codes.~~
 - ~~(4) Artist studios, more than two such studios per building but not more than four.~~
 - ~~(5) Research or philanthropic institutions.~~
 - ~~(6) Performing arts centers owned and operated by nonprofit and for-profit entities.~~
 - ~~(7) Places of worship such as temples, churches or mosques.~~
 - ~~(8) Adaptive reuse of structures of community significance.~~

~~(Ord. of 9-21-2009, § 3.52B; Ord. No. 05-04032017, § 2, 4-24-2017)~~

~~Sec. 60-441. Dimensional regulations.~~

~~All new structures in this district shall be subject to the following dimensional regulations:~~



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- (1) ~~Minimum lot area, width and depth.~~ For each building erected, there shall be provided lot areas as follows:
 - a. ~~Buildings housing one family: 5,000 square feet of lot area, not less than 50 feet in width and 100 feet in depth.~~
 - b. ~~Buildings housing two families: 7,500 square feet minimum lot area, not less than 50 feet in width and 100 feet in depth.~~
 - c. ~~Buildings housing three families: 10,000 square feet minimum lot area, not less than 50 feet in width and 100 feet in depth.~~
 - d. ~~Townhouses: 5,000 square feet minimum lot area, 5,000 square feet of lot area plus 1,500 square feet minimum lot area per dwelling and not less than 50 feet in width and 100 feet in depth.~~
 - e. ~~Multifamily buildings: 10,000 square feet of lot area for the first dwelling unit, and 2,000 square feet of lot area for each additional dwelling unit; no lot shall be less than 100 feet in width and 100 feet in depth.~~
 - f. ~~Commercial building: 10,000 square feet of lot area, not less than 100 feet in width and 100 feet in depth.~~
 - g. ~~Mixed use building: 5,000 square feet of lot area, not less than 50 feet in width and 100 feet in depth if at least 50 percent of the total building area is used for residential living space.~~
- (2) ~~Maximum lot coverage.~~ For each new building erected, the maximum combined lot area for the building and all parking areas shall not exceed 75 percent of the total lot area for commercial and 65 percent for residential.
- (3) ~~Yard requirements.~~
 - a. ~~Rear.~~ There shall be a rear yard of 25 feet or 25 percent of the average depth of the lot, whichever is less for all structures.
 - b. ~~Side.~~ There shall be a minimum distance of five feet between any portion of a building and the side property line for all structures.
 - c. ~~Front.~~ There shall be a minimum front yard of ten feet.
 - d. ~~Principal building.~~ More than one principal building may be erected on a lot provided all yard requirements listed in this subsection (3) are met.
- (4) ~~Height.~~ The height of all structures shall be limited to 4½ stories or 45 feet. Religious and municipal buildings may have a steeple or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building.
- (5) ~~Parking and loading.~~ All uses shall be subject to the off street parking and loading regulations as listed in this subsection (5). Sections 60-607(7), (8), (12) and (15) shall also be followed.
 - a. ~~For all uses, no portion of the front yard, other than driveways, shall be used for off street parking.~~



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- ~~b. One unit dwellings: two spaces; two and three unit dwellings: one space per unit.~~
- ~~e. Residential artist studio: one space for one and two bedroom units; two spaces for residential artist studio with three or more bedrooms.~~
- ~~d. Townhouses: one space per unit.~~
- ~~e. Multifamily buildings: same as townhouses.~~
- ~~f. Retail businesses: one space per 400 feet of net floor area.~~
- ~~g. Office uses: one space per 400 feet of net floor area.~~
- ~~h. Medical or dental clinics: one space per 200 feet of net floor area.~~
- ~~i. Restaurants, cafes and diners: one space per four seats or bench equivalent capacity.~~
- ~~j. 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.~~
- ~~k. 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.~~
- ~~l. 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.~~
- ~~m. One parking space may be eliminated from the total off street parking requirement if a significant and permanent public art contribution is provided.~~
- ~~n. Subsections (5)j, k, and l of this section may be combined resulting in a reduction of up to two parking spaces. A developer shall be eligible for parking reductions in subsections (5)k, l, and m of this section if all requirements in the subsections are met and the proposal has been reviewed by the city planning department.~~
- ~~o. 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.~~

(Ord. of 9-21-2009, § 3.52C)

Sec. 60-442. Development review.



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- (a) ~~Expansions of existing buildings or new construction in excess of 1,000 square feet shall be subject to the site plan review, division 2 of article XVI of this chapter. Projects of less than 1,000 square feet shall be reviewed by the community development department for a determination of consistency with the intent and standards of this chapter.~~
- (b) ~~The following requirements and those of division 2 of article XVI of this chapter are intended to foster safe and effective site plans that will result in projects that are consistent with the size and scale of the surrounding neighborhoods, and the use of materials or design treatments that protect and highlight the architectural and historic qualities of the area:~~
- (1) ~~All off street parking areas shall be screened by plantings, wood fencing or a combination of both.~~
 - (2) ~~All lighting shall fall within the lot from which it emanates, and all lighting fixtures shall be in compliance with lighting and fixture standards approved by the planning board or the community development department.~~
 - (3) ~~All dumpsters or trash receptacles of any kind shall not be permitted in any portion of the front yard setback, and all said facilities shall be screened from public view.~~
 - (4) ~~Renovation of structures listed on federal, state or local historic registers shall be consistent, at a minimum, with standards adopted by the state office of historic preservation, common preservation practices, and additional standards which, from time to time, may be adopted or amended by the city.~~
 - (5) ~~If not previously existing, at least one tree per 50 feet of frontage shall be required for all development. Said tree shall have a trunk diameter of at least three inches, measured six inches above planting grade.~~

~~(Ord. of 9-21-2009, § 3.52D)~~

~~Sec. 60-443. Signs.~~

~~All signs shall be subject to the regulations contained in article VI of this chapter except for the following:~~

- (1) ~~All uses shall be limited to externally illuminated signs.~~
- (2) ~~Standing signs shall not exceed 12 square feet in area. The maximum height shall not exceed six feet above grade. If employed, a standing sign shall be the only sign permitted except for window signs. See subsection (4) of this section.~~
- (3) ~~Signs for all commercial activities, attached to the premises which they advertise, shall not exceed 16 square feet.~~
- (4) ~~Signs attached perpendicular to a building shall be permitted and shall have a maximum area of 12 square feet. Signs shall not extend more than four feet from the building to which they are attached. Further, the lowest portion of the sign shall be seven feet above grade and the highest portion not more than 15 feet above grade. Height minimums and maximums can be altered by the planning board if it is determined an alternate sign location is required by the building~~



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~~configuration, building material, design consistency in the immediate neighborhood, or to protect historic buildings or facades.~~

~~(5) Roof signs, internally lighted signs, automatically changing signs and signs or advertising on canopies are prohibited.~~

~~(6) Fees. All fees found in appendix A of this Code, shall not apply to developments found in this division.~~

~~(Ord. of 9-21-2009, § 3.52E; Ord. of 9-21-2009, § 3.52F)~~

