



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

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To: Auburn Planning Board
From: Megan Norwood, City Planner and Eric Cousens, Director of Planning and Permitting
Re: Secondary Dwelling Unit Ordinance Provision
Date: March 25, 2021

- I. PROPOSAL:** The Planning Board reviewed this information at the February meeting as a workshop item, at the March 9th meeting the Planning Board held a public hearing and discussed some proposed language and also the process for initiating these changes. As the Board is aware, the City Council held a workshop on March 1, 2021 and requested the Planning Board review and offer a recommendation on allowing secondary dwellings on residential properties in the City. As part of this discussion, the City Council asked the Planning Board to consider requiring shared driveways (but allowing for reasonable exceptions) and adding the Two-Family allowance to the Low Density Country Residential and Agriculture and Resource Protection Zones for existing nonconforming homes. The Planning Board requested a formal vote by the City Council on this item, which was conducted at their March 15th meeting.
- II. BACKGROUND (February Meeting):** As part of the initiative to increase housing opportunities in the City, the City Council is considering amending the provision under Section 60-34 of the Auburn Code of Ordinances (*Buildings per Lot*) to allow secondary dwelling units on parcels in residential zoning districts that permit two-families. Under the current language, in all residential zoning districts (except multifamily districts) a “two-family” would only be permitted if it were in the one building.

Here is where the Planning Board left off with proposed language at the March 9th meeting:

Sec. 60-34. - Buildings per lot.

No more than one principal building shall be erected on any lot except that a multifamily building or developments approved under division 9 or a second one-family detached dwelling unit where a single-family dwelling unit currently exists and two-families are permitted and/or developments approved under division 9 of article IV of this chapter. The second one-family detached dwelling unit shall share a driveway curb cut with the primary dwelling unless it is determined that another driveway location could provide safer than the existing driveway.

Here is the current language:

Sec. 60-34. - Buildings per lot.

No more than one principal building shall be erected on any lot in residential zoning districts except in the case of multifamily buildings and/or developments approved under divisions 10 and 11 of article IV of this chapter.

Here is a suggested edit to the Planning Board draft language:

Sec. 60-34. – Buildings per lot.

No more than one principal building shall be erected on any lot in any residential zoning district except for:

- (1) Multifamily buildings or developments approved under division 9 of article IV of this chapter;
- (2) An additional one-family detached dwelling in a zoning district where two-families are permitted and a single-family dwelling unit currently exists on the lot.

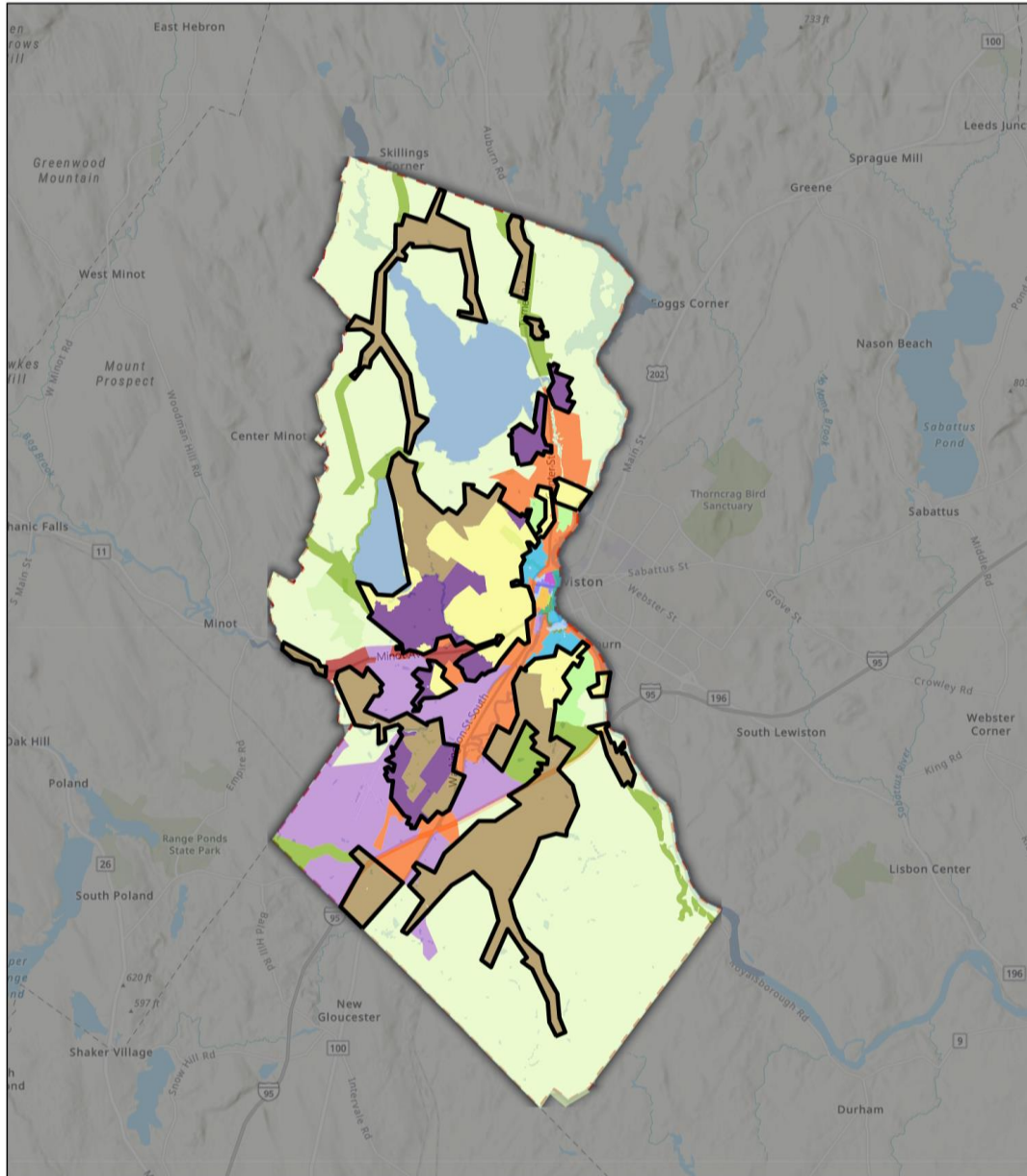
The additional one-family detached dwelling unit shall share a driveway curb cut with the primary dwelling unless it is determined that another driveway location could provide safer access than the existing driveway.

The suggested text provided by Staff would require a shared driveway unless there is a deficiency in the existing driveway (slopes, sight distance, emergency access, etc) identified that would not exist at another location on the lot. Staff could

consult the City Engineer, Police or Fire Departments in making this determination as we do for other development reviews.

Currently, only one principal building is permitted on a lot in all residential zoning districts, except Multifamily Urban and Multifamily Suburban. This change would allow secondary dwellings in the following districts:

- Low Density Rural Residential
- Suburban Residence
- Urban Residence



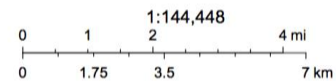
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— Override 1

Zoning

- AG - Agriculture and Resource Protection
- DE - Downtown Enterprise
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- MFU - Multi-Family Urban

- NB - Neighborhood Business
- RR - Rural Residential
- SR - Suburban Residential
- UR - Urban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-5.1 - Downtown Traditional Center
- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- C/OS - Conservation / Open Space



Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA
Esri, NASA, NGA, USGS

Secondary dwelling units are also permitted in the Form-Based Code Districts and General Business I & II but those do not fall under the umbrella of “residential districts.” At the last meeting, the Planning Board wanted to see what areas of the City the suggested edit would permit secondary dwellings in, all of the areas within the black boxes are existing residential districts that permit two-family dwellings and would allow them to be in separate buildings if this provision is amended (*see below*).

The Mayor and Council also requested that the Planning Board consider adding the Two-Family use allowance to two additional zones, the Low Density Country Residential and Agriculture and Resource Protection Zones for existing nonconforming homes. It seems logical to allow for two unit homes in all residential zoning districts, including the LDCR zone and staff recommends adding this use.

Currently, there is one allowance for a second unit in the AGRP zone within an existing residence in Section 60-145(a)(13): Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.

Although we do not know the history of the provision, there is a similar provision in other residential districts to allow for an extra unit within the walls of a pre-1958 home, that lacks the lot size for a second unit, in an effort to make use of larger existing homes where there is extra existing living space. Allowing a second, non-conforming home would increase a non-conformity in the AG district and would not follow zoning best practices. It seems unfair that a non-conforming home owner could add a second new home on a lot in a zone that does not allow for new homes when their neighbor on a vacant lot cannot add a single home based on adopted City Ordinances and Policy. Staff does not recommend this.

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 suggests the Planning Board offer a recommendation to the City Council on an ordinance for secondary dwelling units. Staff offers the following language:

Here is a suggested edit to the Planning Board draft language:

Sec. 60-34. – Buildings per lot.

No more than one principal building shall be erected on any lot in any residential zoning district except for:

- (1) Multifamily buildings or developments approved under division 9 of article IV of this chapter;
- (2) An additional one-family detached dwelling in a zoning district where two-families are permitted and a single-family dwelling unit currently exists on the lot.

The additional one-family detached dwelling unit shall share a driveway curb cut with the primary dwelling unless it is determined that another driveway location could provide safer access than the existing driveway.

Per the City Council recommendation, Staff also recommends the Planning Board consider adding language to Two-Family Homes in the LDCR zoning District.