



**City Council Workshop & Meeting
Agenda
January 6, 2025
Auburn Hall, Council Chambers**

5:30 PM Workshop

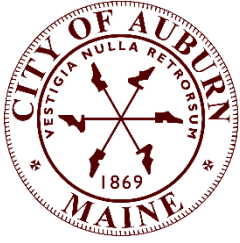
- Joint Workshop with School Committee – Budget Guidance
- **Executive Session** pursuant to 1 M.R.S.A. Section 405(6) (C) to discuss an economic development matter regarding 143 Hampshire St & 1, 5 Gamage St. *Requires 3/5 majority vote to enter Executive Session.*
- **Executive Session** pursuant to 1 M.R.S.A. Section 405(6) (C) to discuss an economic development matter regarding Joatman Estates. *Requires 3/5 majority vote to enter Executive Session.*

7:00 PM Meeting

Pledge of Allegiance & Roll Call - *Roll call votes will begin with Councilor Gerry*

- I. **Consent Items** – *All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the consent agenda and considered in its normal sequence on the agenda. Passage of items on the consent agenda requires majority vote.*
1. **ORDER 01-01062025** – Appointing Patricia Mador and Benjamin Weisner to serve on the 9-1-1 Committee for a term that ends 12/31/26, as nominated by Mayor Harmon.
 2. **ORDER 02-01062025** – Appointing Stanley Harmon for an unexpired term on the Age Friendly Community Committee ending 6/1/27, as nominated by the Appointment Committee.
 3. **ORDER 03-01062025** – Setting 7:00am as the time for all polls to open for elections in Auburn for 2025.

- II. **Minutes** – December 16, 2024 Regular Council Meeting & December 19, 2024 Special Council Meeting
- III. **Communications, Presentations and Recognitions**
- Proclamation – Call To Action Against Sex Trafficking
 - Update on Revaluation & Statistics – Assessing Office
- IV. **Open Session** – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*
- V. **Unfinished Business**
1. **ORDINANCE 23-12022024** – Text Amendments related to 30-A M.R.S. §§ 4364, 4364-A and 4364-B (L.D. 2003). *Second reading/public hearing. ROLL CALL VOTE.*
- VI. **New Business**
1. **ORDER 04-01062025** - Reappropriating Unspent Proceeds from the City's 2023 and 2024 General Obligation Bonds. First reading. *Passage requires majority vote.*
 2. **ORDER 05-01062025** – Regarding the transfer of 143 Hampshire St & 1, 5 Gamage St. *Passage requires majority vote.*
- VII. **Reports**
- a. **Mayor’s Report**
 - b. **City Councilors’ Reports**
 - c. **Student Representative Report**
 - d. **City Manager Report**
- VIII. **Open Session** - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*
- IX. **Executive Session**
- X. **Adjournment**



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: January 6, 2025

Subject: Executive Session

Information: Executive Session pursuant to 1 M.R.S.A. Section 405(6) (C) to discuss an economic development matter.

Executive Session: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

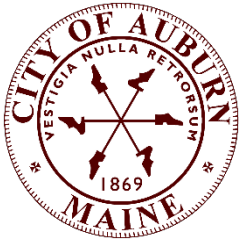
D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 6, 2025

ORDER 01-01062025

Author: Emily F. Carrington, City Clerk

Subject: Appointing members of the 9-1-1 Committee

Information: This order re-appoints Patricia Mador and Benjamin Weisner, in their capacity as Auburn residents, to the 9-1-1 Committee, in compliance with the 9-1-1 Committee's by-laws:

"The seventh and eighth member of the Committee shall be nominated by the Mayor and confirmed by the Auburn City Council, at their first regular meeting in January. These two additional members must be residents of the City of Auburn or a city employee, and shall be appointed to a two (2) year term."

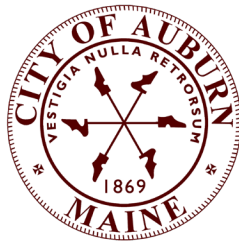
City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History:

City Manager Comments: *Phillip Crowell Jr.*

Attachments: ORDER



ORDER 01-01062025

City Council Order

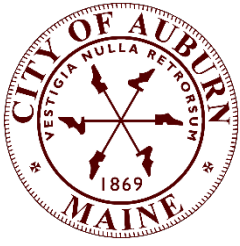
IN CITY COUNCIL

ORDERED, that Patricia Mador and Benjamin Weisner, of Auburn, be and hereby are appointed to serve on the 9-1-1 Committee for a two year term that ends 12/31/2026.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 6, 2025 **ORDER 02-01062025**

Author: Emily F. Carrington, City Clerk

Subject: Appointment to the Age Friendly Community Committee

Information: The Appointment Committee met on December 19, 2024 to consider three applications received for the Age Friendly Community Committee for the unexpired term ending 6/1/27. The Appointment Committee unanimously voted (3-0) to recommend the appointment of Stanley Harmon, who has been an actively engaged volunteer with the committee.

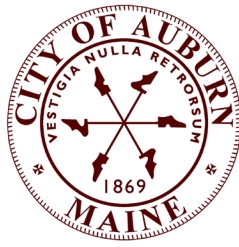
City Budgetary Impacts: N/A

Staff Recommended Action: N/A

Previous Meetings and History:

City Manager Comments: *Phillip Crowell, Jr.*

Attachments: ORDER



ORDER 02-01062025

City Council Order

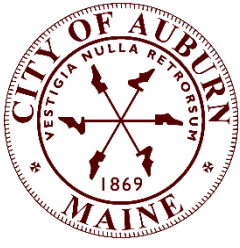
IN CITY COUNCIL

ORDERED, that Stanley Harmon be and hereby is appointed to serve on the Age Friendly Community Committee for an unexpired term ending June 1, 2027.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 6, 2025 **ORDER 03-01062025**

Author: Emily F. Carrington, City Clerk

Subject: Setting the time for opening the polls for 2025 elections

Information: State law requires the Municipal Officers to set the time to open the polls for elections (21-A §626. Polling times). The polls must be opened no earlier than 6 a.m. and no later than 8 a.m. on election day, except that in municipalities with a population of less than 500, the polls must be opened no later than 10:00 a.m. It is recommended that the polls open at 7:00 A.M. in Auburn for all 2025 elections. Opening the polls at 7:00 A.M. is consistent with past practice in Auburn and it allows additional time in the morning for people to have an opportunity to vote.

City Budgetary Impacts: Minimal – the cost for Election workers to start one hour early is minimal.

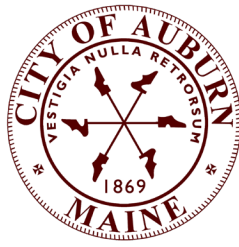
Staff Recommended Action: Recommend passage.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature: *Phillip Crowell Jr.*

Attachments: ORDER



ORDER 03-01062025

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby sets the time for opening the polls for all 2025 Auburn elections to be 7:00 AM.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

IN COUNCIL WORKSHOP & MEETING DECEMBER 16, 2024 VOL 37 PAGE 210

Mayor Harmon opened the meeting at 7:00pm in Auburn Hall and led the assembly in the pledge of allegiance. Student Representative Mubarik Abdulahi was absent.

Councilor Walker requested ORDER 155 be removed from the Consent agenda. This item was moved to the third item under New Business.

Consent Items

- a. **ORDER 153-12162024*** – Appointing Richard Whiting and Timothy Cowan to the AVCOG General Assembly, as nominated by Mayor Harmon.
- b. **ORDER 154-12162024*** - Appointing Denis D’Auteuil to the AVCOG Executive Committee (alternate), as nominated by Mayor Harmon.
- c. **ORDER 156-12162024*** - Appointing Edmond Bearor to the Planning Board (Associate Member) for a term that expires 1/1/2028, as nominated by the Appointment Committee.
- d. **ORDER 157-12162024*** - Appointing John Ruccolo to the Complete Streets Committee for a term that expires 12/31/2027, as nominated by the Appointment Committee.
- e. **ORDER 158-12162024*** - Appointing Heather Barnett to the Complete Streets Committee for a term that expires 12/31/2027, as nominated by the Appointment Committee.
- f. **ORDER 160-12162024*** - Appointing Evan Cyr to the Zoning Board of Appeals (Associate Member) for a term that expires 5/1/2025, as nominated by the Appointment Committee.
- a. **ORDER 161-12162024*** - Appointing Emily F. Carrington as Registrar of Voters for the City of Auburn for a term that expires 12/31/2026.
- b. **ORDER 162-12162024*** - Appointing Kryston Chapman (Member) & Quentin Chapman (Alternate) as Republican representatives to the Voter Registration Appeals Board for terms that expire 3/1/2027, as nominated by the Auburn Republican Committee.

Motion for passage of the Consent agenda by Councilor Gerry, seconded by Councilor Walker.
Motion to pass Consent agenda passed 7-0.

IN COUNCIL WORKSHOP & MEETING DECEMBER 16, 2024 VOL 37 PAGE 211

II. Minutes – December 2, 2024 Regular Council Meeting

Councilor Weisner moved to accept the minutes, seconded by Councilor Platz. Motion passed 7-0.

III. Communications, Presentations and Recognitions

- Mayor Harmon announced a Special City Council meeting to be held Thursday, December 19 at 5:30pm at Auburn Hall Council Chambers for one item (reallocating ARPA funds).
- Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee Report

John Cleveland gave the report.

IV. Open Session

John Nutting, Leeds – National Shattering Silence Coalition

V. Unfinished Business

1. **RESOLVE 7-11042024** – Supporting an “interim trail” for the Casco Bay Trail. *Postponed on November 4, 2024 and workshopped on December 2, 2024. Passage requires majority vote.* Motion for passage by Councilor Cowan, seconded by Councilor Platz.

The Mayor opened this item for public comment. The following spoke:

Patty Barber, Town of Oxford

Joe Pelliccia, Josslyn St

Bruce Sleeper, Portland – TrainRiders NorthEast

Chet Woodbury, York

Debbie Poloquin, Lewiston

Emily Paskewicz, Brunswick

Jennie Johnson, Auburn

Itona , Auburn

Ben Lounsbury, Auburn

Ted Morith, Lewiston

Bill Phillips, Auburn

Lisa Morin, Turner

Garrett Hoffman, High St

Kathy Shaw, Valley View Farm

Sue Martin, Davis Ave

Motion passed 6-1 (Gerry).

IN COUNCIL WORKSHOP & MEETING DECEMBER 16, 2024 VOL 37 PAGE 212

2. **ORDINANCE 22-12022024** – Proposed amendment to Sec. 52-320 regarding prohibited parking on Eighth Street. *Amended and passed first reading on December 2, 2024. Second reading/public hearing. ROLL CALL VOTE.*

Gerry moved for passage, seconded by Councilor Walker. Mayor Harmon opened the public hearing. There was no comment from the public. Motion passed 7-0 on a roll call vote.

3. **ORDINANCE 23-12022024** – Text Amendments related to 30-A M.R.S. §§ 4364, 4364-A and 4364-B (L.D. 2003). *First reading. Postponed on December 2, 2024. ROLL CALL VOTE.*

Councilor Platz moved for passage, seconded by Councilor Cowan. The Mayor opened this item for public comment. The following spoke:

Jason Levesque, Youngs Corner Road

Evan Cyr, Auburn

Motion passed 6-1 (Milks) on a roll call vote.

4. **ORDINANCE 24-1202024** – Proposed amendment to Chapter 14 regarding Blasting. *Passed first reading on December 2, 2024. Second reading/public hearing. ROLL CALL VOTE.*

The Clerk circulated a revised Substitute Ordinance 24 with corrections to Sec. 14-704.

Councilor Whiting moved to adopt Substitute Ordinance 24, seconded by Councilor Weisner. The Mayor opened the item for public hearing. There was no comment. Motion passed 7-0 on a roll call vote.

5. **ORDER 163-12162024** – Accepting the Mayor’s Ad-Hoc on Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee Report. *Passage requires majority vote.*

Councilor Whiting moved for passage, seconded by Councilor Cowan.

Motion passed 4-3 (Walker, Milks, Weisner).

New Business

1. **ORDER 164-12162024** – CDBG & HOME Consolidated/Action Plan Amendment for Program Year 2024. *Public hearing. Passage requires majority vote.*

Motion for passage by Councilor Whiting, seconded by Councilor Weisner. The Mayor opened the public hearing. There was no comment. Motion passed 6-0 (Walker absent).

2. **RESOLVE 8-12162024** – Approving and ratifying the application of a \$1,000,000 HUD Section 108 Loan Guarantee for the Development of the Auburn Community Resource Center located at 121 Mill Street. *Passage requires majority vote.*

Motion for passage by Councilor Cowan, seconded by Councilor Gerry. There was no public comment. Councilor Milks asked for more information regarding the liability to taxpayers. Councilor Platz asked about the timeline and interest rate. Motion passed 6-1 (Walker).

IN COUNCIL WORKSHOP & MEETING DECEMBER 16, 2024 VOL 37 PAGE 213

3. **ORDER 155-12162024*** - Appointing Maureen Hopkins to the Planning Board (Member) for a term that expires 1/1/2028, as nominated by the Appointment Committee.

Motion for passage by Councilor Gerry, seconded by Councilor Platz.

The following spoke:

David Trask, Partidge Ln

Evan Cyr, Auburn

Councilor Milks asked the process for appointing Mr. Trask. Mayor Harmon clarified that the Appointment Policy does not allow for the Council to make substitutions to recommendations made by the Appointment Committee, the Council may vote to appoint or fail to appoint the recommendation. If the Council fails to appoint, the City Clerk will repost the position.

Motion fails 3-4 (Platz, Weisner, Milks, Walker). The Clerk will repost the position.

VII. Reports

a. Mayor's Report - Mayor thanked staff for a great tree lighting event; attended the holiday luncheon for staff; the Comp Plan Committee will be kicking off tomorrow for the first meeting; attended Merrow Road project meeting, there were many questions from residents and positive feedback.

b. City Councilors' Reports

Councilor Whiting noted the passing of Eleanor Cummings. Councilor Milks noted the next meeting of the Auburn Sewer District; budgets will be discussed. Councilor Weisner wished everyone a Merry Christmas and happy holidays and happy new year. Councilor Weisner wished all Merry Christmas and happy new year. Councilor Platz gave an update on the School Committee.

c. Student Representative Report – None.

d. City Manager Report – The City will begin outlining the schedule for the FY26 budget. The City Manager will be meeting with the School Superintendent in preparation for the joint workshop on January 6. Addressed recruitment of city staff for various positions and retention of staff.

e. Quarterly Corrective Action Report as part of the 2024 October Finance Report was presented by Kelsey Earle, Finance Director. Motion to accept the report by Councilor Milks, seconded by Councilor Cowan. Passed 7-0.

VIII. Open Session

Jason Levesque, Youngs Corner Road
Evan Cyr, Auburn

IX. Executive Session

X. Adjournment

Motion to adjourn by Councilor Wesiner, seconded by Councilor Milks. Motion passed 7-0 and adjourned at 9:54pm.

A TRUE COPY ATTEST

Emily F. Carrington, City Clerk

IN COUNCIL SPECIAL MEETING DECEMBER 19, 2024 VOL 37 PAGE 215

Mayor Harmon opened the special meeting at 5:30pm in Auburn Hall. Student Representatives Anaya Egge and Mubarik Abdulahi were absent. Councilor Whiting was absent.

New Business

1. **ORDER 145-12192024** - Reallocation of American Rescue Plan Act (ARPA) Funds in the amount of \$308,226.37.

Staff projects recommended for consideration:

- Project #52 – 121 Mill Street Community Resource Center: Increase original allocation of \$438,702.83 by \$208,226.37 for total of \$646,929.20
- Project 23 – Small Area Master Planning: Increase original allocation of \$300,000.00 by \$100,000 for total of \$400,000.00

Councilor Weisner moved for passage, seconded by Councilor Cowan.

Councilor Walker moved to strike the recommended allocation to Project 52 and instead allocate the \$208,226.37 toward Project 6 (Lake Grove Municipal Beach). Seconded by Councilor Milks.

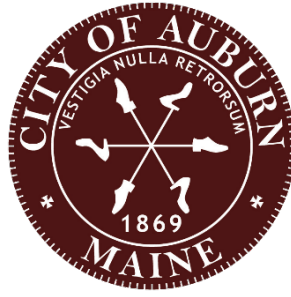
Motion passed 6-0, as amended.

Adjournment

Motion to adjourn made by Councilor Cowan, seconded by Councilor Weisner. Motion passed 6-0. Council adjourned at 5:36pm.

A TRUE COPY ATTEST

Emily F. Carrington, City Clerk



PROCLAMATION | **CALL TO ACTION AGAINST SEX TRAFFICKING**

WHEREAS sex trafficking can happen to anyone, anywhere, and poses a grave threat to the safety and dignity of individuals across our community; and

WHEREAS the 131st Maine Legislature took the historic step of enacting LD 1435 and LD 1436, which provide survivors of sex trafficking with a means to seal records resulting from their exploitation and to target the root issue of the sex trade - sex buying; and

WHEREAS Maine stands as the first state in our nation to pass such groundbreaking legislation, positioning us at the forefront of the fight against sex trafficking; and

WHEREAS a past study identified at least 300 to 400 trafficking cases in Maine annually, with the true number of cases presumed to be greater; and

WHEREAS early intervention in the form of education and awareness for our youth and our community is imperative in preventing sex trafficking; and

WHEREAS 92% of sex trafficked survivors report being physically assaulted, 42% say they have attempted suicide, and 90% want to escape the sex trade, but feel they can't; and

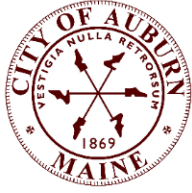
WHEREAS trafficking can occur in-person and online, and people from all demographics are at risk; and

WHEREAS community involvement is necessary to combat and ultimately end human trafficking, and the city of Auburn is committed to ensuring that no survivor or family affected by trafficking is left without the services they need to heal and progress,

NOW THEREFORE, I, Jeffrey Harmon, Mayor of the City of Auburn, by virtue of the authority vested in me, do hereby proclaim my support for the efforts to combat sex trafficking and to raise awareness and engagement on this critical issue. The Auburn City Council and I recognize the importance of supportive legislation, community involvement, and survivor advocacy in working towards a future free from exploitation and trafficking.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Auburn, Maine to be fixed this 6th day of January 2025.

Mayor Jeffrey D. Harmon



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 6, 2025

Ordinance 23-12022024

Author: Natalie Thomsen – Planning Coordinator

Subject: Text Amendments related to 30-A M.R.S. §§ 4364, 4364-A and 4364-B more commonly known as L.D. 2003

II. Background:

The Legislature passed in 2021 a series of housing amendments commonly referred to as “LD 2003,” which were intended to increase opportunities for affordable housing to be developed statewide. These laws, codified at 30-A M.R.S. §§ 4364, 4364-A and 4364-B, require that municipal ordinances comply with the stated provisions by January 1, 2024. More information can be found in attached Planning Board Staff Report dated November 12, 2024

On **May 28, 2024**, the Planning Board held a workshop to discuss text amendments to Auburn’s ordinance required for compliance with L.D. 2003. Staff presented proposed changes to Chapter 60 based on feedback from the LD 2003 Ad Hoc Committee. During this meeting, the Board reviewed and updated the minimum lot size requirements in the MFS, GB, and GBII zoning districts.

On **September 25, 2024**, the City Manager, Phillip L. Crowell, Jr., issued a directive after reviewing the proposed amendments. He requested that the Planning Board align the draft more closely with the requirements of L.D. 2003. Specifically, the City Manager recommended limiting accessory dwelling units (ADUs) to a maximum of 1,500 square feet and requiring the same minimum lot size for each additional unit (except ADUs) as for the first unit in residential zones. These adjustments would bring the ordinance into compliance while leaving broader decisions on housing policy and density for the Comprehensive Plan update.

On **October 8, 2024**, the Planning Board held another workshop to refine the proposed amendments. The discussion focused on size limits for accessory structures, leading the Board to decide to separate the topics of density and accessory structure sizing for the public hearing. This separation allowed the public to comment on each issue individually and ensured thorough deliberation by the Board.

On **November 12, 2024**, the Planning Board held a public hearing on the proposed text amendments. After receiving public input, the Board voted to recommend the changes to the City Council. The amendments included defining ADUs with a maximum size of 1,500 square feet, revising the definition of "accessory structure," and making updates to various sections of Chapter 60. These revisions addressed density and parking requirements, ensuring compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B, while also reflecting the minimum lot size adjustments that were requested.

Information: The Planning Board provided a favorable recommendation to City Council on a text amendment on November 12, 2024, which included recommendations to limit accessory dwelling units (ADUs) to a maximum size of 1,500 square feet and to require minimum lot size standards for additional dwelling units consistent with the lot size for the first unit in residential zones.

See Attached: Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form Based Code (Sec. 60-554. - Form based code use and parking matrix.), Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60, specifically pertaining to density and parking standards, as required for compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B.

City Budgetary Impacts: Staff Time

Staff Recommended Action: Workshop. Review the attached text amendment and provide feedback.

Previous Meetings and History: The Planning Board held workshops on May 28, 2024 and October 8, 2024, to discuss proposed text amendments, leading up to a final vote on November 12, 2024. At this Public Hearing, the Planning Board voted 6-1 to recommend the amendments to the City Council. This item was postponed on 12/2/2024. First reading passed 6-1 (Milks).

City Manager Comments: The manager recommends this proceed to the council meeting for first second reading. The proposed ordinances from the planning board includes non-substantive changes for clarity and context.

Signature:



Attachments:

- Staff Report on LD 2003 text amendment dated November 12, 2024
- Amended Text: Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form Based Code (Sec. 60-554. - Form based code use and parking matrix.), Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60, specifically pertaining to density and parking standards, as required for compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B.



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

04210 www.auburnmaine.gov |

207.333.6601

Date: November 12th, 2024

Auburn Planning Board

Author: Natalie Thomsen, Planning Coordinator

Subject: Item # Staff Report on L.D. 2003 Workshop

I. Proposal: Public Hearing on L.D. 2003 Ordinance Updates/Priorities:

Review and give feedback on text amendment to Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form Based Code, Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60.

II. Background:

The Legislature passed in 2021 a series of housing amendments commonly referred to as “LD 2003,” which were intended to increase opportunities for affordable housing to be developed statewide. These laws, codified at 30-A M.R.S. §§ 4364, 4364-A and 4364-B, require that municipal ordinances comply with the stated provisions by January 1, 2024.

Summary of L.D. 2003: L.D. 2003, An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions, Sponsored by Speaker Ryan Fecteau, was signed into law by Governor Mills on April 27th, 2022. The law, in summary, requires that: 1.) Towns and cities with a comprehensive plan allow at least four units on a vacant lot in the designated growth area, and towns and villages without a comprehensive plan allow at least 4 units on vacant lots in areas served by sewer and water; 2.) Lots with an existing dwelling unit may have two additional dwelling units either one attached dwelling, one detached dwelling, or one of each; and 3.) “Affordable” housing developments must be allowed to be built at 2.5 times the density of market-rate units if they meet the conditions listed above (availability of sewer and water or within a designated growth area).

Summary of L.D. 1473: L.D. 1473 An Act to Protect Certain Unfiltered Drinking Water Sources, approved as public law on June 22, 2023, amends 30-A MRSA §4364, sub-§9, 30-A MRSA §4364-A, sub-§1-A, and 30-A MRSA §4364-B, sub-§1-A to exempt parts of Auburn which are in the Lake Auburn Watershed from the requirements of L.D. 2003 to protect the lake as an unfiltered drinking water source.

Summary of L.D. 1706: L.D. 1706, An Act to Clarify Laws Regarding Affordable Housing and Accessory Dwelling Units, approved as public law on June 16th, 2023, among other accomplishments, adds that the implementation date for L.D. 2003 must be

January 1, 2024, for municipalities with ordinances, and July 1, 2024, for all other municipalities.

The planning board held a workshop on text amendments to Auburn’s ordinance required to comply with L.D. 2003. On May 28 and October 08, the planning board reviewed staff’s suggestion for amendments to Chapter 60 based on feedback from the LD 2003 Ad Hoc Committee. At this past workshop, the planning board asked for a legal opinion on the correct way to interpret some of the text of LD 2003. Below, staff has outlined the Planning Board’s questions and in the summarized text amendment below, highlighted the uncertain language:

1. Do we need to allow multifamily units in land use zones that currently do not allow multi-family units? (UR, SR, RR, LDCR). A Board member has suggested that we could restrict the use to no more than 2 units per building and still meet the requirement of allowing four units in the growth are but not as a single 4-unit building. Instead, allowing 2, 2-unit buildings would meet the laws requirement to allow 4 units. Would the Planning Board prefer that multifamily buildings continue to be prohibited in certain zones?
2. We will likely make the ordinance retroactive to January 1, 2024, for the determination of vacant land vs. existing units and the allowable number of units. If the city does not make the ordinance retroactive, will that effect property owners that built in good faith of the rule change after January 1, 2024, and planned for more units when the City finishes the adoption process?
3. Can we drop the reference to the latest 30-A MRSA subsection 4364? Or should we reference that as the purpose of the changes. It seems unnecessary as long as we allow the required unit permissions to comply.

The draft available for the planning board has also updated the minimum lot size in the table for the MFS, GB, and GBII zoning districts reflecting the conversation which took place during the May 28 meeting.

During the October 8, 2024, Planning Board workshop, there was extensive discussion regarding the proposed size limits for accessory structures within the amendment to "Sec. 60-2. Definitions." The Board decided that, for the upcoming Public Hearing, the topics of density and accessory structure sizing should be treated as separate items. This approach will allow the public to provide input on each topic individually and ensure the Board has the opportunity to deliberate and vote on them separately, recognizing their distinct impacts on the overall amendment.

- III. **Suggested Ordinance Amendments:** See Attached A Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form

Based Code, Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60, specifically pertaining to density and parking standards, as required for compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B.

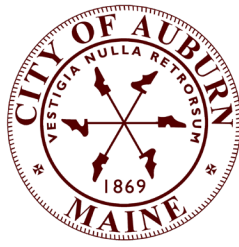
IV. **Staff Recommended Action:** Consider feedback from the Public Hearing and send the recommended text change to the City Council related to edits established in Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form Based Code, Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60, specifically pertaining to density and parking standards, as required for compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B.

V. **PLANNING BOARD ACTION/STAFF RECOMMENDATIONS:** Consider feedback from the Public Hearing and send the recommended text change to City Council related to edits established in Sec. 60-2, Definitions, specifically focusing on the definition of "accessory structure" and setting the maximum allowable size for such structures at 1,500 sq. ft.

Consider feedback from the Public Hearing and send the recommended text change to City Council related to edits established in Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form Based Code, Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60, specifically pertaining to density and parking standards, as required for compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B.

VI. **Potential Motion:** I make a motion to forward a favorable recommendation to the city council related to edits established in Sec. 60-2, Definitions, specifically focusing on the definition of "accessory structure" and setting the maximum allowable size for such structures at 1,500 sq. Ft.

I make a motion to forward a favorable recommendation to the city council related to edits established in Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form Based Code, Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60, specifically pertaining to density and parking standards, as required for compliance with 30-A M.R.S. §§ 4364, 4364-A, and 4364-B.



Ordinance 23-12022024

City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the City Council hereby amends Chapter 60 - ZONING of the City's Code of Ordinances as shown on the attached.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager

ARTICLE II. GENERAL PROVISIONS

Sec. 60-34. Buildings per lot.

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

- (1) Multi-family buildings and/or developments approved under Division 9 of Article IV of this chapter;
- (2) ~~An additional one family detached~~The addition of an accessory dwelling unit in a zoning district where two-family~~ies~~ dwelling units are permitted, and a single-family dwelling currently exists on the lot.
- (3) Four dwelling units may be constructed on vacant lots in the growth area as delineated in the Future Land Use Map in the most recent Comprehensive Plan and must be permissible in compliance with State Law and in accordance with Sec. 60-53 and Sec. 60-54. For the purpose of this Subsection, a vacant lot upon which a new dwelling unit was permitted in 2024 shall be considered a vacant lot for the purpose of calculating the total number of permissible dwelling units that may be constructed on the lot.
- (4) A lot in the growth area as delineated in the Future Land Use Map in the most recent Comprehensive Plan with an existing dwelling unit may add one attached dwelling unit, one detached dwelling unit, or one of each for a total of three dwelling units and must be permissible in compliance with State Law and in accordance with Sec. 60-53 and Sec. 60-54.
- (5) Lots in the designated growth areas that are zoned Urban Residential, Suburban Residential, Rural Residential, and Low-Density Country Residential shall contain no more than two dwelling units per building.

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

(Ord. of 9-21-2009, § 3.1B; Ord. No. 11-03012021, § 1, 3-15-2021; Ord. No. 18-04052021, 5-3-2021)

Sec. 60-35. Conversion of one-family dwellings.

In all residential, general business and form based code districts, one-family dwellings erected prior to January 1, 1958, may be converted to two-family dwellings provided that:

- (1) Any floor space created by additions to the existing structure after January 1, 1958, shall not be converted to a second dwelling.
- (2) There will not be less than one accessible off-street parking place of 200 square feet in area, exclusive of driveways, per dwelling unit resulting from such conversion.
- (3) Stairways leading to any floor above the first floor will be enclosed within the exterior walls of the dwelling and any fire escapes required will be on the rear or one side of the dwelling and not on any wall facing a street.

- (4) After such conversion, the building converted will retain substantially the appearance and character of a one-family dwelling.
- (5) Single family dwellings may be converted into two or multi-family buildings if located in the growth area as delineated in the Future Land Use Map of the most recent Comprehensive Plan and pursuant to Sec. 60-53 and Sec. 60-54.
- (6) Lots in the designated growth areas that are zoned Urban Residential, Suburban Residential, Rural Residential, and Low-Density Country Residential shall contain no more than two dwelling units per building.

(Ord. of 9-21-2009, § 3.1C; Ord. No. 04-03072016, 5-16-2016)

Secs. 60-53. Additional dwellings permitted to increase housing opportunity.

Additional dwelling units must be permissible on certain parcels in the City of Auburn pursuant to Sec. 60-34. This table specifies the additional lot area needed for additional units in each zoning district as well as permissible accessory dwelling units. Setback standards shall not be reduced to allow for additional dwelling units and shall not be increased for subsequent dwelling units. Additional dwelling units allowed under this section are prohibited in the Lake Auburn Watershed Overlay District where the underlying zoning district is Agriculture and Resource Protection. Additional dwelling units allowed under this section are subject to more stringent lot size requirements per unit if located in the Taylor Pond Watershed.

<u>Zoning District</u>	<u>Minimum lot area (per unit)</u>	<u>Minimum lot width (per unit)</u>	<u>Accessory Dwelling Unit</u>
<u>Agriculture & Resource Protection</u>	<u>10 acres</u>	<u>250 feet</u>	<u>Permitted if unit meets requirements for single family home in Article IV, Division 2 of this Chapter*</u>
<u>Low Density Country Residence</u>	<u>3 acres for the first unit with accessory dwelling unit. 3 acres for each subsequent unit.</u>	<u>325 feet for the first unit. No width is required for subsequent units.</u>	<u>Permitted</u>
<u>Low Density Rural Residence</u>	<u>1 acre for the first unit with accessory dwelling unit. 1 acre for each subsequent unit.</u>	<u>250 feet for the first unit. No additional width is required for subsequent units.</u>	<u>Permitted</u>
<u>Suburban Residence</u>	<u>21,780 square feet for the first unit with accessory dwelling unit. 21,780 square feet for each subsequent unit.</u>	<u>150 feet for the first unit. No additional width is required for subsequent units.</u>	<u>Permitted</u>

<u>Urban Residence</u>	<u>10,000 square feet for the first unit with accessory dwelling unit. 10,000 additional square feet per unit for each subsequent unit.</u>	<u>100 feet for the first unit. No additional width is required for subsequent units.</u>	<u>Permitted</u>
<u>Multifamily Suburban</u>	<u>10,000 square feet minimum.</u>	<u>100 feet for the first unit. No additional width is required for subsequent units.</u>	<u>Permitted</u>
<u>General Business</u>	<u>10,000 square feet minimum.</u>	<u>100 feet for the first unit. No additional width is required for subsequent units.</u>	<u>Permitted</u>
<u>General Business II</u>	<u>10,000 square feet minimum.</u>	<u>100 feet for the first unit. No additional width is required for subsequent units.</u>	<u>Permitted</u>
<u>Form Based Code</u>	<u>No minimum lot size. See Ch. 60 Article IV Division 14</u>	<u>24 feet minimum width. See Ch. 60 Article IV Division 14</u>	<u>Permitted</u>
<u>Industrial</u>	<u>Housing only permitted as accessory buildings for caretakers (see Sec.60-578)</u>	<u>150 feet</u>	<u>Permitted for legally existing residential dwellings built before January 1, 2024.</u>
<u>Lake Auburn Watershed Overlay District</u>	<u>Please refer to the underlying zone and CH. 60 Article XII Division 4. Sec. 60-</u>	<u>Please refer to the underlying zone and CH. 60 Article XII Division 4.</u>	<u>Permitted subject to Lake Auburn Watershed Overlay District accessory dwelling unit allowances.</u>
<u>Taylor Pond Watershed</u>	<u>Minimum lot size in the underlying zone for the first unit with accessory dwelling unit. Minimum lot size is required for each additional unit.</u>	<u>Minimum width required in the underlying zone. No additional width required for subsequent units.</u>	<u>Permitted</u>

*Does not apply if within the Lake Auburn Watershed Overlay District.

Secs. 60-54. Affordable housing density bonus.

For an affordable housing development, a density bonus of 2.5 times the maximum number of dwelling units permitted in the underlying zone shall be permitted where water and sewer service are available, and the development is in the growth area as delineated in the Future Land Use Map in Auburn’s latest Comprehensive Plan. Off-street parking requirements may not exceed two spaces for every three units.

ARTICLE IV. DISTRICT REGULATIONS

DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outlined here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

DIVISION 3. LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

Sec. 60-201. Use regulations.

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

- (1) All uses permitted in the Agriculture and Resource Protection District, except uses allowed by section 60-145(a)(8), (14) and (15).
- (2) One-family detached dwellings.
- (3) Two-family dwellings.
- (4) Lawn maintenance services.
- (5) Multi-family dwellings with up to four (4) units if in the growth area delineated in the Future Land Use Map in the most recent Comprehensive Plan pursuant to 30-A MRSA §4364 and to Sec. 60-53 and Sec. 60-54 of this Chapter. Subdivision law applies.

(b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVI of this chapter:

- (1) All uses permitted by special exception in the Agriculture and Resource Protection (AR) District, (division 2 of article IV of this chapter), except uses allowed by section 60-172(b)(7), (14), and (15).
- (2) Bed and breakfast.
- (3) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.32B; Ord. 33-02072011-08, 2-7-2011; Ord. No. 08-08012011-07b, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-08192019, 9-9-2019; Ord. No. 11-03012021, § 9, 3-15-2021; Ord. No. 27-06212021, 7-19-2021)

DIVISION 4. LOW DENSITY RURAL RESIDENCE DISTRICT

Sec. 60-229. Use regulations.

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

- (1) All uses permitted in the Agriculture and Resource Protection District pursuant to section 60-145(a), except 60-145(a)(14) and (15).
- (2) One-family detached dwellings.
- (3) Two-family dwellings.
- (4) Attached single-family dwellings, provided that they are approved by the Planning Board as part of a planned residential unit development and subdivision, under the provisions of Division 9 of Article IV and Division 4 of Article XVI of this chapter.
- (5) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.
- (6) Licensed veterinarians provided that the lot is of at least three acres.
- (7) Wayside stands.
- (8) Accessory uses, buildings or structures.
- (9) Lawn maintenance services.
- (10) Municipal uses and buildings.
- (11) Multi-family dwellings with up to four (4) units if in the growth area delineated in the Future Land Use Map in the most recent Comprehensive Plan pursuant to 30-A MRSA §4364 and to Sec. 60-53 and Sec. 60-54 of this chapter. Subdivision law applies.

DIVISION 5. SUBURBAN RESIDENCE DISTRICT

Sec. 60-255. Use regulations.

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

- (1) One-family detached dwellings.
- (2) Two-family dwellings.
- (3) Attached single-family dwellings, provided that they are approved by the Planning Board as part of a planned residential unit development and subdivision, under the provisions of Division 9 of Article IV and Division 4 of Article XVI of this chapter.

-
- (4) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.
 - (5) Farming of field crops, row crops, orchards or truck gardens.
 - (6) Greenhouses.
 - (7) Licensed veterinarians, provided that the lot containing same is of at least three acres.
 - (8) Farm, livestock provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2 and:
 - a. A site plan be submitted to the municipal officer charged with enforcement that contains the information required by section 60-1301.
 - b. Upon request, the municipal officer charged with enforcement may waive the necessity of providing any of the foregoing information which is not relevant to the proposed development.
 - c. In judging whether or not a permit to operate an animal farm will be issued, the municipal officer charged with enforcement shall review and make a decision consistent with the finding requirements of section 60-1304.
 - (9) Wayside stands.
 - (10) Accessory uses, buildings or structures.
 - (11) Lawn maintenance services.
 - (12) Municipal uses and buildings.
 - (13) Multi-family dwellings with up to four (4) units if in the growth area delineated in the Future Land Use Map in the most recent Comprehensive Plan pursuant to 30-A MRSA §4364 and to Sec. 60-53 and Sec. 60-54 of this chapter. Subdivision law applies.

DIVISION 6. URBAN RESIDENCE DISTRICT

Sec. 60-277. Use regulations.

- (a) *Permitted uses.* The following uses are permitted:
 - (1) One-family detached dwellings.
 - (2) Two-family dwellings.
 - (3) Attached single-family dwellings, provided that they are approved by the Planning Board as part of a planned residential unit development and subdivision, under the provisions of Division 9 of Article IV and Division 4 of Article XVI of this chapter.
 - (4) Accessory uses building or structures.
 - (5) Farming of field crops, row crops, orchards or truck gardens.
 - (6) Municipal uses and buildings.
 - (7) Multi-family dwellings with up to four (4) units if in the growth area delineated in the Future Land Use Map in the most recent Comprehensive Plan pursuant to 30-A MRSA §4364 and to Sec. 60-53 and Sec. 60-54 of this chapter. Subdivision law applies.

DIVISION 7. MULTIFAMILY SUBURBAN DISTRICT

Sec. 60-306. Use regulations.

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

- (1) One-family detached dwellings.
- (2) Two-family dwellings.
- (3) Multi-family dwellings ~~in existence on September 23, 1988.~~
- (4) Attached single-family dwellings, provided that they are approved by the Planning Board as part of a planned residential unit development and subdivision, under the provisions of Division 9 of Article IV and division 4 of Article XVI of this chapter.
- (5) Farming of field crops, row crops, orchards or truck gardens.
- (6) Shelter for abused persons.
- (7) Accessory uses, buildings or structures.
- (8) Newly constructed multi-family dwellings and existing structures expanded to contain three or more additional dwelling units within a five-year period, provided that they are approved by the Planning Board as a subdivision under Division 4 of Article XVI of this chapter.
- (9) Municipal uses and buildings.

Sec. 60-554. Form based code use and parking matrix.

Notes:

- (1) Uses not listed are considered prohibited unless deemed similar by the Director of Planning or by the Planning Board through a special exception approval.
- (2) * Parking requirements in T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 500 feet of the principal building, subject to Planning Board approval.
- (3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.
- (4) Office, service and retail uses limited to 1,500 SF footprint and must include a residential unit; no drive through businesses allowed.
- (5) All projects shall provide a community impact and needs analysis with review and approval from City Council or its designee.
- (6) For an affordable housing development, off-street parking requirements may not exceed 2 spaces for every 3 units.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021; Ord. No. 20-09062022, § 3, 9-19-2022; Ord. No. 02-02132023, 2-17-2023)

Sec. 60-608. Parking requirements.

A minimum number of off-street parking spaces shall be provided with each residential use permitted, erected, altered or changed, in accordance with the following standards:

Off-street land use	Minimum number of parking spaces
Residential	
Single-family; farm	1 dwelling per unit
Multi-family; two-family	1 dwelling per unit
Elderly**	One-half per dwelling unit
<u>Affordable housing development</u>	<u>Off-street parking requirement may not exceed 2 spaces for every 3 units.</u>
**Applies to elderly housing as constructed under special local, state or federal guidelines restricting occupancy to elderly persons.	

(Ord. of 9-21-2009, § 4.1B; Ord. No. 28-06212021, 7-19-2021)

Sec. 60-2. Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Accessory structure or building means an ~~uninhabited~~ building, at least five feet in distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building or to the principal use of the land and which is located on the same lot as the principal building use. The term "accessory buildings," in residential districts, includes tool sheds, woodsheds, detached garages and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district.

Accessory dwelling unit means a self-contained dwelling unit meeting a minimum of 190 square feet and not to exceed 1,500 square feet, that can be located within, attached to or detached from a single-family dwelling unit located on the same parcel of land

Accessory use means a subordinate use of land or building which is customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.

Adaptive reuse means a special exception permitting a structure of community significance to be used for one or more purposes, not otherwise permitted in the district in which the building is located, but which the planning board has determined will contribute to the preservation of a structure of community significance, including without limitation, the following uses:

- (1) Bed and breakfast homes or inns;
- (2) Restaurants, diners or cafes;
- (3) Art studios and galleries;
- (4) Performing arts centers;
- (5) Medical and dental clinics;
- (6) Office space;
- (7) Municipal and government uses; and
- (8) Retail sales as an accessory use.

Adult day center means a supervised facility providing a program of education, crafts or recreation for adults over the age of 55 years.

Affordable Housing Developments means as defined in 30-A MRSA §4364.

Animal unit means one living animal of any species.

Antique shop means a building, or portion of building, where artifacts from generally recognized previous eras are sold or traded as the primary commercial activity.

Apartment. See the term *Dwelling unit*.

Architectural features means exterior building elements intended to provide ornamentation to the building massing, including but not limited to, eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

Art galleries means a building or place where works of art or other objects of value are kept, displayed, produced and offered for sale to the general public.

Artist studio, residential means a dwelling where up to 50 percent of the total floor space can be used for the production of art and/or craft products. The term "residential artist studio" shall not include galleries or studios open to the public for display or sales. All artist studios shall be designed to meet all residential safety and occupancy requirements and shall be considered to be accessory to the residential use.

Automobile means a passenger vehicle propelled by a self-contained motor. The term "automobile" also includes motorcycles, all-terrain vehicles, trucks and recreation vehicles (RVs).

Automobile and marine paint and body shops means a building in which the business of automobile and marine paint and bodywork is conducted. Such use may also include as an accessory use a facility for the orderly display and sale of vehicles which have undergone substantial body repair on the premises. No such facility shall display, outdoors or indoors, or offer for sale more than ten vehicles at any one time.

Automobile and marine repair and service station means a building, lot or both in or upon which the business of general motor repair and vehicle service is conducted, but excluding junk and/or wrecking businesses.

Automobile, commercial, means a vehicle the primary use of which is commercial in character.

Automobile filling station means a building or lot having pumps and storage tanks at which fuel, oil or accessories for the use of motor vehicles are dispensed, sold or offered for sale at retail, where repair service is incidental and no vehicle storage or parking space is offered for rent.

Automobile garage, private, means an accessory building or portion of a main building designed, arranged or used for housing of private motor vehicles, only one of which may be a commercial vehicle. Not more than 50 percent of the space in such a garage shall be used for housing vehicles other than those owned by occupants of the premises.

Automobile parking lot, private, means a parcel of land, lot or portion thereof required, in accordance with these regulations, for off-street automobile parking.

Automobile repair and service station means a building, lot or both in or upon which the business of general motor vehicle repair and service is conducted, but excluding junk and/or wrecking business.

Automobile sales lot means a lot arranged, designed or used for the storage and display of motor vehicles or any unoccupied trailer for sale.

Automobile scrap yard means any land or building used for the dismantling, storage and salvaging for reuse of automobiles or other vehicles not in running condition.

Automotive towing and storage means a business engaged in/or offering the services of a tow truck or towing service whereby motor vehicles are towed or otherwise removed from one place to another by the use of a motor vehicle specifically designed for that purpose. Storage of towed vehicles is considered to be the keeping of vehicles in a secured yard for not more than 120 days until claimed or disposed of in accordance with the laws of the state.

Basement means that portion of a building below the first-floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

Bed and breakfast home means an accessory use to a single-family dwelling involving the renting of four or fewer guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast only to house guests. Such establishment shall be owned and operated by the resident of the dwelling. The term "bed and breakfast home" also includes a tourist home.

Bed and breakfast inn means a dwelling involving the renting of more than four but fewer than ten guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast to house guests only. Such use may provide a restaurant, function rooms and places of public assembly.

Boardinghouse or lodging house means a dwelling which, for compensation, lodging, or lodging and meals are provided to more than four persons and where a proprietor or owner may reside in the building. No provisions for cooking in individual rooms other than a main kitchen is allowed.

Building means a structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind. (See the term *Structure*.)

Building envelope means the ground area on a lot and the space above it on which a building may be constructed.

Building form means the overall shape and dimensions of a building.

Building height means the vertical distance from the grade of the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the averages of the grades at the center of each street front.

Building inspector means the building inspector of the City of Auburn, Maine, or their duly authorized agent.

Building line means a line beyond which the foundation wall and/or any enclosed porch, vestibule of other enclosed portion of a building shall not project.

Building, principal, means a building in which is conducted the principal use of the lot on which it is situated.

Care home means a rest, nursing, or convalescent home established to render domiciliary nursing care and board for chronically ill or convalescent patients, or persons who are infirm because of mental or physical conditions, but excluding a childcare home or one for the care of mentally retarded patients, alcoholics, psychotics or drug addicts.

Cellar means that portion of a building below the first-floor joists having at least one-half of its clear ceiling height below the mean level of the adjacent ground. A cellar shall not be used for habitation.

Cemetery means a place used for the permanent interment of dead bodies or cremated remains thereof. A cemetery may be a burial park of earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of one or more thereof.

Childcare home means a child boarding home, summer camp, foster family home or other place providing domiciliary arrangements for compensation, of three or more children, unrelated to the operator by blood, marriage or adoption, under 18 years of age. A facility providing child day care less than 24 hours per day, per child, to more than five children shall not be considered a childcare home. The term "childcare home" includes any family-type facility which provides childcare to children placed by order of any court of competent jurisdiction, or by any public welfare department, or other governmental agency having responsibility for placing children for care, or placed by child-placing agency licensed under state law.

Child day care center means a facility conducted or maintained by anyone who provides, for consideration, care and protection for more than 12 children under 16 years of age, unrelated to the day care center operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care center, but is classified as a nursery school.

Child day care home means an accessory use of a residence by a person residing on a premises to provide on a regular basis, and for consideration, care and protection for up to 12 children under 16 years of age, unrelated to the day care home operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home, but is classified as a nursery school. A child day care home shall not be located closer to another child day care home than 500 feet measured along the street frontage. Child day care homes shall be reviewed under the city's home occupation regulations (article IX of this chapter) and shall meet the following:

- (1) All outdoor play areas, used in conjunction with the day care operation, shall be fully enclosed by a fence, a minimum of four feet in height.

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- (2) If the property utilizes a private sewerage disposal/septic system a written verification from a site evaluator, stating that the current system can handle the change of use to include the children in the proposed day care, shall be submitted.

Church means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which buildings, accessory buildings and uses are maintained and controlled by a religious body organized to sustain public worship.

Clinic means an establishment where patients are accepted for treatment by a group of physicians practicing medicine together, but shall not offer domiciliary arrangements; medical and dental.

Club, private, means any building or rooms, which serve as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

Community based residential facilities (CRF) means dwelling units providing communal domiciliary arrangements for a group of unrelated persons under supervision of the state government human service agencies, for the transition of formerly institutionalized persons back into the mainstream community living and participation, a halfway house, or a group home.

Comprehensive plan means the master development plan of the City of Auburn, Maine, any amendments or additions thereto, part or portion thereof adopted by the city council upon recommendations of the planning board of Auburn, Maine, pursuant to 30-A M.R.S.A. § 4323.

Conservation cemetery means a type of natural cemetery that includes a conservation management plan that upholds best practices, and provides perpetual protection of the land according to a conservation easement or deed restriction. Burials in conservation cemeteries utilize non-toxic and biodegradable materials.

Convenience store means a business establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table, other articles of household use and gasoline pump service is offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises.

Correctional institution means a publicly or privately operated facility generally designed for the confinement, correction, and rehabilitation of adult and/or juvenile offenders sentenced by a court.

Court means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings which is bounded on two or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

Dental clinic means an establishment where patients are accepted for treatment by a group of dentists practicing dentistry together.

Detention facility. In the case of an adult or juvenile, "detention" means the confining of an adult or juvenile held in lawful custody in a specially constructed or modified facility designed to ensure continued custody and control. "Detention" may be confinement before trial or another hearing by a court or confinement to serve court-imposed sentences or dispositions and may be in a step-down, jail, half-way house or lock-up facility.

Development standard(s) means building standards that establish basic parameters governing building form, including the envelope for building placement in three dimensions and certain permitted and required building elements such as storefronts, balconies, street walls, etc. The development standards establish both boundaries within which development may take place and what requirements apply.

Director means the director of planning and any successor or other official designated from time to time by the city council to enforce the provisions of this chapter.

District or zone means an area within which certain uses of land and buildings are permitted or denied pursuant to municipal review, and certain others are prohibited.

District, overlay, means a special district or zone which addresses special land use circumstances and environmental safeguards and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay zone or district.

Dormitory means a building or portion thereof used for sleeping purposes in connection with a school, college or other educational institution.

Driveway means private ways intended for internal vehicular circulation on a lot or within an automobile parking lot.

Dump means any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or any other means and for whatever purpose of garbage, trash, refuse, dead animals, waste materials of any kind, junk; but not untreated sewage, animal waste, discarded machinery, or vehicles or parts thereof. The establishment of any dump shall be approved by the city council of the City of Auburn.

Dwelling means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling, multifamily, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

Dwelling, one-family attached, means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. Each one-family attached accessory dwelling unit must be at least 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S.A. 9722, adopts a different minimum standard; if so, that standard applies.

Dwelling, one-family detached, means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. Each one family detached dwelling unit must be at least 400 square feet above grade in size, and an accessory detached dwelling unit must be 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S.A. 9722, adopts a different minimum standard; if so, that standard applies.

Dwelling, seasonal, means a dwelling occupied for not more than six months of any year.

Dwelling, two-family, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used for or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Eave means the edge of a roof which projects beyond the exterior wall.

Encroachment means any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace, or deck that breaks the plane of a vertical or horizontal regulatory limit exceeding into a setback, the public frontage, or above a height limit.

Erected includes the terms "built," "constructed," "reconstructed," "enlarged" and/or "retained on."

Facade means the vertical surface of a building.

Family means one or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over four persons.

Farm means any parcel of land which is used in the raising of agricultural products, livestock or poultry, or for dairying.

Farm, livestock, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, donkeys, cattle, goats, sheep, swine and similar sized animals for the agricultural use of the residents of the lot, provided that there is a minimum of 1 acre of land as required by Chapter 8 Animals and adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

- (1) Cattle: One bovine animal unit per acre of cleared hay-pasture land.
- (2) Horse: 1.5 animal units per acre of cleared hay/pasture land.
- (3) Sheep: Three animal units per acre of cleared hay/pasture land.
- (4) Swine: Two animal units per acre of cleared land.
- (5) Other livestock farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

Floodplain overlay means those areas of the city which are directly affected by flooding as shown on the flood insurance rate maps (FIRM) as established by the Federal Emergency Management Agency and that shall comply with the pertinent regulations found in division 2 of article XII of this chapter pertaining to the Floodplain Overlay District.

Floor area of building means the total number of square feet of floor area of all stories in a building, excluding cellars, uncovered steps and uncovered porches. All horizontal measurements shall be made between exterior faces of walls.

Form based code means a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.

Form based code zoning district means one of the five areas on the regulating plan, including Transect 4.1 (T-4.1), Transect 4.2 (T-4.2), Transect 5.1 (T-5.1), Transect 5.2 (T-5.2), and Transect 6 (T-6).

Frontage means the length of a lot extending between the side lot lines of a lot which borders an accepted portion of a street. Maine Turnpike frontage does not apply to this definition.

Frontage line means the lot line(s) of a lot fronting a street or other public way.

Government offices means a room or group of rooms used for conducting the affairs of a government entity, not entailing the sale of goods except that which is clearly incidental.

Government services, for the purposes of this chapter, includes the functions performed by the various government agencies in the city. Government services include the following: government administration, courts, public schools, postal services, public works and municipal utilities.

Greenhouse means an enclosed structure where trees, shrubs, vines and plants are propagated, grown or maintained. Activities associated with a greenhouse include:

- (1) The sale of greenhouse products and related supplies; and
- (2) The storage of material used in the maintenance of plants and growing items sold.

Grocery store means a small retail establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table and other articles of household use are offered for sale. Such a use

may include the sale of food vended in disposable containers for consumption on or off the premises; a corner market, a mom and pop store.

Ground area of building means the total number of square feet of horizontal surface covered by a building, including covered porches and accessory buildings. All measurements shall be made between exterior faces of walls, foundation, piers or other means of support.

Group home. See the term *Community based residential facilities.*

Guesthouse means a detached dwelling that is intended, arranged or designed for occupancy by transient, nonpaying visitors.

Habitable space means that area within a dwelling which has headroom of not less than seven feet when measured vertically upward from the finished floor, provided that any such area next below the roof of a dwelling shall be counted only if it is connected with the story next below by a permanent inside stairway. The floor area of any porch, cellar room, garage or shed attached to such dwelling shall not be counted in any measure of habitable space.

Half-story means a story directly under a sloping roof in which the points of intersection of the bottom of the rafters with the interior faces of the walls are less than three feet above the floor level.

Historic site means a parcel of land, a particular building, or a group of buildings that have played a significant role in the history of the community, and identified as such by the state historic preservation committee.

Historic or archaeological resources means areas identified by a governmental agency such as the state historic preservation commission as having significant value as historic or archaeological resources and any areas identified in the municipality's comprehensive plan.

Hog farm means any land or building used for the purpose of keeping, feeding or raising 20 or more swine per piggery. Establishment of this use requires approval from the city health department.

Home occupation means the accessory use of a dwelling unit for a business or commercial venture engaged in, by the person residing in the dwelling unit, and which allows up to one person who does not reside on the premises to be employed by that home occupation.

Hospital means any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. The term "hospital" includes general hospitals and institutions in which service is limited to special fields such as cardiac, eye, nose and throat, pediatric, orthopedic, skin, cancer, mental health, tuberculosis, chronic disease and obstetrics. The term "hospital" also includes sanitariums, including those wherein mentally retarded and mental patients, epileptics, alcoholics, senile psychotics or drug addicts are cared for or treated.

Hotel means a building in which the primary use is transient lodging accommodations offered to the public on a daily rate of compensation and where ingress and egress to the sleeping rooms is primarily through an inside lobby or office, supervised by a person in charge at all hours. Such facilities may include accessory uses such as restaurants, bars, nightclubs, function rooms, places of public assembly and/or recreational facilities.

Household pet means any animal kept as a pet and normally housed at night within the owner's dwelling or an accessory building on the same lot, including laying hens, but not including any animal normally raised as livestock or poultry or any animal raised for commercial gain. No household pet shall be kept that creates a public nuisance by reason of:

- (1) Objectionable effects perceptible outside the owner's property, such as excessive or untimely noise or offensive odors; or
- (2) Being a hazard to the health, safety and welfare of neighbors, invited guests or public servants visiting the property in the pursuit of their normal duties.

Illustrative plan means a plan or map that depicts (i.e. illustrates but does not regulate) the streets, lots, buildings and general landscaping of the proposed Downtown Auburn/New Auburn Form-Based Code District.

Industrial use, heavy, means the use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

Industrial use, light, means the use of real estate, building or structure, or any portion thereof, for manufacturing or fabrication which will not create a nuisance by noise, smoke, vibration, odor or appearance.

Institution means any building or open area used only by an educational, religious, medical, charitable, philanthropic, or nonprofit organization, either public or private.

Institution, philanthropic, means a private, nonprofit organization that is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization and which either:

- (1) Provides volunteer aid to the sick and wounded of the armed forces in time of war and relief services to victims of natural or manmade calamities; or
- (2) Provides all or any of the following: religious, social, physical, recreational and benevolent service.

Institution, private educational, means any private school or educational institution, however designated, which offers an academic curriculum of college, professional, preparatory, high school, middle school, elementary, kindergarten or nursery school instruction, or any combination thereof; but not a training program of trade, craft, technical or artistic instruction operated by a governmental entity. No private educational institution shall be deemed a home occupation. (See the terms *Training school* and *School*.)

Institution, research, means an agency for scientific research of technical development including offices, libraries, laboratories, testing facilities and equipment incidental to such research and development.

Jail means a specially constructed or modified facility designated by law or regularly used for detention for a period of up to 12 months.

Junkyard or automobile graveyard means any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metal, other scrap or discarded material, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof. Establishment and operation of this use requires annual approval from the City Council of Auburn, Maine.

kennel means any building and/or land used, designed or arranged for the boarding, breeding or care of dogs, cats, pets, fowl or domestic animals, kept for purposes of show, hunting or as pets, except horses.

Land use permit means a permit required for the use of property that is legally permitted under the provisions of this chapter.

Landscape services means the actual planting, bed preparation, installation of landscape materials and maintenance of the landscape, planting and materials. Activities associated with landscaping include: the storage of materials and equipment related to the performance of landscaping, the temporary storage of trees, shrubs and plants pending installation in an existing landscape plan and the application and storage of pesticides and fertilizers by a licensed person.

Lawn maintenance service means the care and upkeep of the landscape after its installation and consists of such activities as mowing of the lawn, pruning of trees and shrubs, application by hand of fertilizer and weed control, insect and disease control, planting and care of flower beds, replacement of dead plants, incidental repairing of walls and paved surfaces, cleaning of fountains and pool basins, irrigation of lawns, cultivation of soil around trees and shrubs, rolling and reseeding of lawns, raking of leaves, winterization of trees and shrubs and snow removal.

Library means a place containing books and other material for reading, study or reference, provided that no such material is offered for sale.

Livestock means, but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep, or swine.

Lock-up facility means a facility designated by law or regularly used for detention for a temporary period before trial or transfer to a jail or other facility.

Lodge, private. See the term *Club, private.*

Lot means for zoning purposes, as covered by this chapter, a lot is a parcel of land under one ownership or joint ownership of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an accepted public street and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) A combination of complete lots of record;
- (4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter;
- (5) Lots shown on a plan approved by the planning board of the City of Auburn.

Lot frontage/width means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements or corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of yards in this section.

Lot line, rear, means the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said front lot line.

Lot measurements means the following measurements:

- (1) The depth of a lot shall be considered to be the uninterrupted distance between the midpoints of lot frontage and the midpoint of the rear lot line unless the lot meets the exception provided for by section 60-39.
- (2) The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between the side lot lines at their foremost points (where they intersect the street line) shall not be less than 80 percent of the required lot width except in the case of a lot on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

Lot of record means a lawfully laid out lot which is part of a subdivision recorded in the proper office of the registry of deeds, or a lawfully laid out lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot types means the diagram which follows illustrates terminology used in this chapter with reference to corner lots, interior lots, reversed frontage lots and through lots. In the diagram above, the lots designated by letters are defined as follows:

- (1) Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. (See lots marked A (1) in diagram)

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- (2) Interior lot, defined as a lot other than a corner lot with only one frontage on a street other than an alley.
 - (3) Through lot, defined as a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.
 - (4) Reversed frontage lot, defined as a lot in which the frontage is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot. (See A-D and B-D in diagram.)

Lot, undersized, means for zoning purposes, as covered by this chapter, an undersized lot is a parcel of land of insufficient size to meet minimum zoning requirements for area or width or depth.

Major or principal arterial highway means the highway that:

- (1) Serves the major traffic movements within urbanized areas such as between central business districts and outlying residential areas, between major intercity communities, or between major suburban centers;
- (2) Serves a major portion of the trips entering and leaving the urban area, as well as the majority of the through traffic desiring to bypass the central city;
- (3) Provides continuity for all rural arterials which intercept the urban area. The term "major or principal arterial highways" includes Washington Street (State Routes 4 and 100, U.S. 202), Minot Avenue (State Routes 11 and 121), Union Street/Center Street/Turner Road (State Route 4), Veterans Memorial Bridge and approaches (State Routes 11 and 100, U.S. Route 202), North Bridge/Court Street to in town Minot Avenue Intersection (Turner Street), Court to Center Street (State Route 4).

Major recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least two lifts and public and private golf courses with a minimum of 18 holes.

Major retail development means a single building in excess of 100,000 square feet of new ground floor retail space.

Manufactured housing means a structural unit designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. The term "manufactured housing" includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. The term "manufactured housing" includes newer mobile homes and modular homes.

Mining, quarrying, or earth removing means the excavation of any earth materials.

Minor arterial highway means the highway that:

- (1) Serves trips of moderate length at a somewhat lower level of travel mobility than principal arterials;
- (2) Provides access to geographic areas smaller than those served by the major arterial highway system; and
- (3) Provides intra-community continuity but does not penetrate identifiable neighborhoods. Examples are Riverside Drive, Mill Street, South Bridge (Broad Street to Mill Street), Main Street, Mechanics Row, High Street (Minot Avenue to Academy Street), Academy Street (High Street to Main Street), Elm Street, Spring Street (Minot Avenue to Court Street), Turner Street (Union Street to Turner Road), Mount Auburn Avenue (Center Street to Turner Street), Lake Street, Court Street (Union Street to in town Minot Avenue Intersection), Hotel Road (Manley Road to Poland Spring Road).

Mobile home development, intended to be generic, includes mobile home parks, mobile home subdivisions, and mobile home condominiums.

Mobile home park means a parcel of land under single ownership in rural residence and suburban residence districts which has been planned and improved for the placement of not less than three mobile homes for nontransient use.

Mobile homes, newer, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width and are 400 or more square feet and which are built on a permanent chassis and designed to be used as dwellings on foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical system contained therein; except that the term "newer mobile homes" includes any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, 42 USC 5401 et seq.

Mobile homes, older, means any factory-built home which fails to meet the definition of manufactured housing and more specifically, the term "older mobile homes" means any mobile home constructed prior to June 15, 1976. These units shall be restricted to approved mobile home parks.

Modular homes means those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.

Motel means a building or group of detached buildings intended primarily to provide sleeping accommodations to the public on a daily rate of compensation and having a parking space generally located adjacent to a sleeping room. Such facilities may include a main kitchen or snack bar for the use of motel guests only.

Municipal or public utilities and communications facilities means the use of land for public utility purposes by an entity providing pipeline, gas, electrical, telephone, telegraph, water, or sewage service. "Public utility" also includes the use of land for utility purposes, whether or not owned, controlled, or operated by a public entity, whose services are performed for or commodities delivered to the public or any portion thereof. Facilities that provide for the transmission, transfer, and distribution of telephone service and related activities that are not a minor or major utility facility. For the purposes of the chapter, a municipal or public utility or communications facility includes, but is not limited to, the following: a private telephone company or paging service, any utility regulated by the Maine Public Utilities Commission, and any other commercial communications tower.

Municipal sanitary landfill means a disposal site for household, commercial and industrial wastes, sludge or incinerator ash operated or controlled for operation by the city in a controlled manner involving the covering of deposited wastes with layers of earth so as to reduce health hazards and public nuisances from vermin, insects, odors and wind-borne debris. The location and design of sanitary landfills also require precautions against ground and surface water contamination through clay lining, water impoundment, aquifer avoidance and similar techniques.

Municipal uses means any lawful use of a building or of land carried on by the city sanitary landfill shall not be deemed a municipal use.

Museum means a building or place where works of art or other objects of permanent value are kept and displayed, provided such objects are not offered for sale.

Natural resource uses means uses that utilize naturally occurring assets such as air, water, soils, fuel, minerals, plants or animals to provide public benefit through the provision of raw materials and/or energy.

Nonconforming building means a building lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming lot means a lot lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

Nonconforming use means a use of a building or of land lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform with the use regulations of the district in which it is located.

Nursery means an outdoor place where live trees, shrubs, vines and plants are propagated, grown or maintained before permanent planting. Activities associated with nursery a business include: the sale of nursery products and related gardening supplies, the storage of material used in the maintenance of plants and growing items sold and the use of power-motorized equipment required by the nursery.

Nursery, child, means a facility providing a program less than 24 hours per day per child for the care of infants up to the age of 2½ years.

Nursery, wholesale, means a nursery where plants, trees, shrubs and vines are propagated and/or grown and sold only at wholesale to industry related buyers such as retail nurseries, greenhouses and landscape contractors. A wholesale nursery may also provide landscape services accessory to the nursery use provided.

- (1) At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner; and
- (2) The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

Office means a building, or portion of a building wherein services are preformed involving predominantly administrative, professional or clerical operations.

Office trailer means a movable vehicle or structure designed for year round or temporary occupancy for purposed of supervising construction; for business actually engaged in the business of selling manufactured housing, mobile homes and trailers; and as temporary office space for a business during the period in which permanent office space is being constructed.

Open space, common means land within or related to a development which is not individually owned and is designed and intended for the common use or enjoyment of the residents of a development and may include such complementary structures and improvements as are necessary and appropriate.

Outpatient addiction treatment clinic means a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including but not limited to gambling addition, alcohol or controlled substance addictions. The term "outpatient addiction treatment clinic" includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic shall not be located within 2,000 feet of any property that is occupied by a church, school, family day care home, small day care facility, day care center, or public park or playground on the date of application for a license for such a facility. The term "outpatient addiction treatment clinic" does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

Parapet means a low wall along the edge of a roof or the other portion of a wall that extends above the roof line.

Parking space, off-street, means a rectangular area, not less than nine feet by 18 feet, forming a parking stall within or without a structure, not located in any public right-of-way.

Performing arts center means a public or private space used to create and present various performing and visual arts. For the purposes of this definition, the term "performing arts center" also includes educational and training uses associated with the various performing and visual arts.

Personal services means the furnishing of labor, time and effort by a person as an independent contractor not involving the delivery of a specific end product.

Place of worship see definition of church.

Planning board means the planning board of the City of Auburn, Maine.

Primary entrance means a section of building elevation which contains the street level principal entrance of the business, including the businesses on upper floors or in a basement.

Principal use means the principal use for which a lot or main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

Professional office means rooms and/or buildings used for office purposes as the principal use by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, veterinarians, etc.

Public safety services means facilities operated by public agencies to provide services relating to the general health, safety, and welfare of the population, including but not limited to fire stations and other fire prevention and firefighting facilities; police and sheriff substations and headquarters; and emergency response services, excluding correctional facility, interim incarceration, lock-up or jail facilities.

Realm, private means the physical and social domain that is considered private by their physical location and visual association being away from public view. This is considered areas behind the front building facade along with side and rear yard areas.

Realm, public means the physical and social domain of the public that is held in common either by their physical presence or visual association. This includes but is not limited to sidewalks, plazas, squares, parks, streets, front yards, civic buildings and civic spaces.

Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, sports field complexes larger than one acre in area, health and wellness centers, motorhome or recreational vehicle parks or commercial campgrounds, and facilities for wedding or event venues when used for two or more events during a calendar year, or facilities for mass gatherings when used for two or more events during a calendar year. See also *major recreational use of land* and *recreational uses of land, small-scale*.

Recreational uses of land, small-scale means permanent uses of outdoor space that are intended or designed for public use that are smaller or lower impact than other types of recreational uses of land, and include, but are not limited to, trails, water access or boat access facilities, foraging, outdoor education or training facilities, sports field complexes one acre or less in area, and public gardens.

Regulating plan means the adopted map that shows the Form Based Code zoning districts, which correspond to the special requirements of the form based code.

Restaurant means an eating place in which food is prepared and vended for immediate consumption on the premises without further preparation by the customer. The takeout of food on an infrequent basis is not prohibited.

Restaurant, carry-out, means an eating place in which all food is vended in disposable containers for consumption on or off premises at the customer's choice; a fast-food restaurant.

Restaurant, drive-in, means an eating place in which the business transacted is conducted by a customer from within his automobile or in which consumption of goods sold normally takes place within the customer's automobile on the establishment's premises.

Retail means a principal use encompassing the sale of commodities or goods in small quantities directly to the consumer. The term "retail" sales does not include sales of professional, financial and governmental services and personal services, including but not limited to a hotel and its accessory uses (restaurants, salons, gift shops, recreational facilities, convention space, etc.).

Retail space means the areas of a building, within a climate controlled environment, devoted to the display of commodities or goods for sale directly to the consumer and including customer sales transaction areas and areas associated with customer access.

Rifle, pistol, skeet or trap shooting range means a rifle, pistol, skeet or trap shooting range operated by an individual or club. Such a range may be opened to the general public or developed for the exclusive use of the individual, or club and invited guests.

Road means any public or private traveled way or any portion thereof.

Roof means the covering for a building which is an integral part of the structure for the purpose primarily of protecting the interior of the building or covering a porch or other similar permanent portion thereof, excluding awnings, stoop coverings, or similar additions which are removable without substantially impairing the original structure.

Sawmill means a unit designed to saw logs into lumber, firewood or other processed wood products.

School means an educational institution offering an academic curriculum; not the teaching of the crafts or a training school offering a program of trade, technical instruction or physical education. (See the term *Training school*.)

Shared housing means housing consisting of two or more families occupying a single dwelling and using common cooking facilities. Shared housing shall permit the same number of families at the same density as allowed in the zoning district where the property is located subject to all applicable codes relating to building, housing, life safety, health and zoning as would be applied to independent living units located in the same structure. Approval for shared housing shall be secured from the department of community development and planning subject to the codes and ordinances indicated in this definition, prior to establishing a shared housing arrangement in any building.

Shelter for abused persons means dwelling facilities complying with the laws administered by the state government human services agencies, providing temporary domiciliary arrangements for children and adults unable to protect their own interest and welfare because of critical family circumstances.

Shopping center or office mall means a planned integrated complex of three or more retail stores and/or offices sharing a common structure and developed according to a unified plan. Such uses may include a common pedestrian circulation system and off-street automobile parking facilities.

Sign means any device, display surface, structure or object in public intended for visual communications.

Sign, mobile mounted, means a temporary sign which is mounted or for mounting on wheels or a mobile platform or which is portable.

Sign, official business directional, means any off-premise sign permitted to be erected pursuant to article II of chapter 42.

Sign, on-premises, means any sign that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or maintained or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

Sign, standing, means any sign that is not attached to a building.

Sign, temporary, means any movable sign, including its supporting structure, intended to be maintained for not more than 90 days in any calendar year.

Site-built home means a building constructed on-site which is designed to be used as a dwelling on foundations, when connected to the required utilities.

Slaughterhouse (abattoir, dressing plant) means any building, place or establishment in which is conducted the slaughtering of livestock and/or poultry for commercial purposes.

Special exception means a use that would not be appropriate generally or without restriction throughout the district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Such a use may be permitted in such district as a special exception, if specific provision for such special exception is made in this zoning chapter and reasonable restrictions imposed by the planning board are complied with.

Specialty shop means a retail business offering products of a similar kind and nature designed for a particular use, purpose or occasion and distinguished from a store offering the same type of product together with other products of a nonhomogeneous quality.

Stable, riding, means any building or structure used or designed for boarding, breeding or care of horses, other than horses used for farming or agricultural purposes.

Standing means a person who holds title, right or interest in a property which may include a written option, contract to purchase the property or a leasehold interest or may be a person who can show how his actual use or enjoyment of property will be adversely affected by the proposed decision as an abutter as defined in section 60-1473.

Story means that portion of a building between the surface of any floor and the surface of the other floor or roof next above it, but not including the lowest portion so contained if more than one-half of such portion vertically is below the mean finished grade of the ground adjoining such building unless such space is used for business or as habitable space, in which case it shall count as a story.

Story, half, means a story under the gable, hip or gambrel roof, the plates of which on at least two opposite exterior walls are more than two feet above the floor of such story.

Street means the following:

- (1) A public way laid out and established by the state, county commissioners of the County of Androscoggin;
- (2) A way accepted by the municipal officers of the city;
- (3) A way as to which a petition for improvements has been allowed under the provisions of this chapter for which the cost of the improvements has been provided for by the developer in either a cash amount or as provided for in this chapter; or
- (4) A way on a plan of a subdivision duly approved by the planning board.

Street frontage. See the term *Frontage*.

Street line means a line defining the edge of a street right-of-way separating the street from abutting property or lots.

Street, primary means the street that is considered to be more intensely used than the other on a corner or double sided lot.

Street, secondary means the street that is considered to be less intense to the other on a corner or double sided lot.

Structure of community significance means a building that by virtue of its historic, social, cultural or economic contribution to the community, as determined by the planning board, is entitled to a special exception allowing its adaptive reuse. The planning board may consider a building's age, as well as any evidence of its role in the historic, social cultural, or economic history of the community, in determining whether a building qualifies for this designation.

Structure or building means a combination of materials to form a construction that is safe and stable including, among other things: stadia, reviewing stands, platforms, automobile parking garages, stagings, windmills, observation towers, trestles, sheds, coal bins, shelters and display signs, but not fences of any kind.

Subdivision means a division of land as defined in 30-A M.R.S.A. § 4401.

Summer camps means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations not exceeding 30 days.

Supermarket means a retail establishment having an interior selling space of 3,000 square feet or more where general food supplies for the table and other articles of household use are offered for sale.

Swimming pool means any manmade receptacle or excavation housing a surface area of 250 square feet, or more, designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing whether in the ground or above the ground.

Theater, indoor, means a building designed and/or used primarily for the commercial exhibition of motion pictures or plays to the general public.

Theater, outdoor, includes only those areas, buildings or structures designed and used for the commercial outdoor exhibition of motion pictures to passengers in parked motor vehicles.

Tourist home. See the term *Bed and breakfast home.*

Townhouse means a single-family dwelling unit that is one of two or more residential buildings having a common or party wall separating the units.

Trailer or RV means any vehicle or structure, except a device exclusively used upon stationary rails or tracks, mounted on wheels for use on highways and streets; propelled or drawn by its own or other motor power; and designed and constructed to provide living and/or sleeping quarters for one or more persons or for the conduct of a business, profession, trade or occupation for use as a selling or advertising device. If the wheels of a trailer are removed, except for repairs, it is deemed a building subject to all the regulations thereof. A trailer shall not be considered an accessory building.

Trailer home means a travel trailer, camping trailer or other similar vehicle capable of being hauled by a passenger automobile or light truck and designed primarily for temporary occupancy for recreational purposes or other seasonal use. A trailer home shall not be considered an accessory building.

Training school means a public or private school or training institution which offers a training program of trade, technical instruction, or physical education. A training school shall not be deemed a home occupation.

Transect (rural-to-urban) means a cross-section of the environment showing a range of different building development zones. The rural-to-urban transect of the human environment is divided into multiple transect zones that describe the physical form and character of a place according to the intensity of its land use and building development pattern.

Transmission towers means a structure that has the sole purpose of transmitting radio, television, cellular telephone or telephone waves from one location to another.

Useable open space means open or green space that is accessible for the use and enjoyment of residents, shall not be steep sloped (over ten percent slope), shall not include wetlands, parking or required buffer areas, and may include any required yard area or open areas for play.

Variance means a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. The term "variance" is authorized for only dimensional and supplemental regulations. Establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or adjoining districts.

Wayside stand means a structure designed, arranged or used for the display and sale of agricultural products primarily grown or produced on the premises upon which such stand is located. A wayside stand may be located on premises that the products are not grown upon provided such premises is owned by the grower.

Wholesale means sales chiefly to retailers, other merchants, industrial and/or commercial users mainly for resale or business use.

Yard means a required open space on a lot unoccupied and unobstructed by any principal structure or portion of a principal structure.

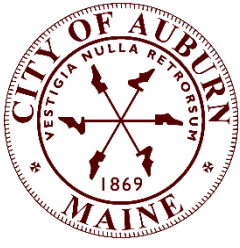
Yard, front, means the open space extending across the full width of lot between the front lot line and nearest line of the principal building or any enclosed portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line and the nearest point of the building or any enclosed portion thereof.

Yard, rear, means the open space extending across the full width of lot between the rear line of the lot and the nearest line of the building or any enclosed portion thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building. When the rear lot line is less than ten feet long or if the lot comes to a point at the rear, the depth of the rear yard is measured to an assumed rear lot line as follows, the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said lot line.

Yard, side, means the open space between the side lot line, the side street line, or the proposed side street line and the principal buildings, or any portion thereof, extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front lot line and/or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the principal building or any portion thereof.

Zone. See the term *District*.

(Ord. of 9-21-2009, § 2.2; Ord. No. 13-09062011-05, 9-6-2011; Ord. No. 12-09062011-04, 9-19-2011; Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 1, 4-24-2017; Ord. No. 08-08072017, 9-11-2017; Ord. No. 13-11062017, 11-20-2017; Ord. No. 16-11182019, 12-9-2019; Ord. No. 11-03012021, 3-15-2021; Ord. No. 02-02132023, 2-17-2023; Ord. No. 04-04182023, 5-1-2023; Ord. No. 10-06202023, 7-10-2023; Ord. No. 22-10162023, 11-6-2023)



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 6, 2025

ORDER 04-01062024

Author: Kelsey L. D. Earle, Finance Director

Subject: Reallocating Unspent Proceeds from the City's General Obligation Bonds

Information: Reallocating up to \$85,000 of unspent proceeds from the City's FY24 General Obligation Bonds to finance a portion of the City's fleet vehicle purchase, and up to \$85,000 of unspent proceeds from the City's FY23 General Obligation Bonds to finance a portion of the emergency repair of North River Road.

A public hearing and second reading are scheduled for the 1/21/2025 Council meeting. A notice of hearing was posted in the Sun Journal's 12/29/2024 publication.

City Budgetary Impacts: There are no budgetary impacts at this time.

Staff Recommended Action: Staff recommends passage of 1st reading.

Previous Meetings and History: None.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

- Order
- Copy of Public Hearing Notice

CITY OF AUBURN

NOTICE OF PUBLIC HEARING

Pursuant to Section 8.13 of the City Charter, notice is hereby given that the Auburn City Council will hold a public hearing on Monday, January 21, 2025, at 7:00 p.m. in the Council Chambers, Auburn Hall, 60 Court Street on the following proposed order:

- Amending City Council Order Nos. 58-05012023 and 82-06032024 to Authorize Reallocation of Unspent Bond Proceeds from the City's 2023 and 2024 General Obligation Bonds to Additional Projects (Fleet vehicle purchase & emergency repair of North River Road)

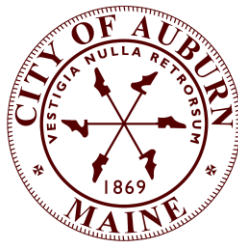
The order is available for inspection on the City's website:

auburnmaine.gov/pages/government/budget-fy25.

The City Council expects to conduct the first reading at the January 6, 2025 meeting and the public hearing, second reading and final action at the meeting of January 21, 2025.

Members of the public attend the meeting in person and offer public comment during the meeting. Comments may also be submitted via email sent to: comments@auburnmaine.gov. Any submitted comments will be included in the meeting minutes.

The meeting will also be broadcast on Great Falls TV (cable channel 1302) and on the City of Auburn YouTube channel.



City Council Order

Reappropriating Unspent Proceeds from the City's 2023 and 2024 General Obligation Bonds

WHEREAS, the City of Auburn previously issued its 2023 and 2024 General Obligation Bonds (the "Prior Bonds") pursuant to City Council Order No. 58-05012023 and Order No. 82-06032024; and

WHEREAS, the City Council desires to reallocate unspent proceeds of the Prior Bonds for the purposes specified below;

NOW, THEREFORE, by the City Council of the City of Auburn, be it hereby ORDERED:

THAT unspent proceeds of the Prior Bonds are appropriated and reappropriated for the following purposes:

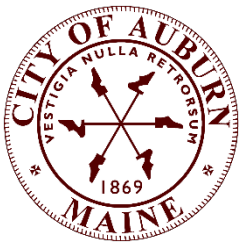
- Up to \$85,000 of unspent proceeds from the City's FY24 General Obligation Bonds are hereby reallocated to finance a portion of the City's fleet vehicle purchase; and
- Up to \$85,000 of unspent proceeds from the City's FY23 General Obligation Bonds are hereby reallocated to finance a portion of the emergency repair of North River Road.

THAT the City's Finance Director / Treasurer be, and hereby is, authorized and empowered in the name and on behalf of the City, to do or cause to be done all such acts and things, and to execute and deliver, all such financing documents, certificates, and other documents as may be necessary or advisable, with the advice of counsel for the City, to carry out the provisions of this Order, as may be necessary or desirable.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Adam R. Platz, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Belinda A. Gerry, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 6, 2025,

ORDER 05-01062025

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Transfer of 143 Hampshire Street, and 1&5 Gamage Ave

Information:

Housing First is an evidence-based approach designed to rapidly and effectively connect individuals and families experiencing homelessness with permanent housing. This model eliminates preconditions and barriers to entry, such as sobriety, treatment participation, or service compliance requirements. Instead, supportive services are provided to ensure long-term housing stability and reduce the risk of recurring homelessness.

To support the potential development of a Housing First project in Auburn, it is proposed to transfer ownership of three city-owned parcels to a newly formed entity dedicated to developing this project. The parcels are:

- **143 Hampshire Street (Parcel ID 250-311)** **Current Assessed Value \$26,300**
- **1 Gamage Avenue (Parcel ID 250-310)** **Current Assessed Value \$3,300**
- **5 Gamage Avenue (Parcel ID 250-309)** **Current Assessed Value \$23,300**

The transfer will only proceed if the newly established collaborative entity is selected by Maine State Housing to receive funding for the project. The first round of funding submissions is due by **March 6, 2025**, with award notifications expected shortly thereafter.

City Budgetary Impacts: As these lots are currently city owned they are not producing property tax revenue. If the project is built the ownership entity would be required to pay taxes. Though there is a strong possibility the project will request the establishment of a Tax Increment Financing District (TIF) with a significant Credit Enhancement Agreement (CEA) the city will see a portion of the taxes paid to be used to also improve the infrastructure in that area as well as contribute to the Public Safety Building expenses.

Staff Recommended Action:
Approve order as presented.

Previous Meetings and History:
12/16/2024 Workshop presentation

City Manager Comments:
I concur with the recommendation. Signature: *Phillip Crowell Jr.*

Attachments:
Housing First Overview
Location Map Close-up & Location Map Wide Shot
Current Street View
Rendering of Potential Street View

HOUSING FIRST IN PERMANENT SUPPORTIVE HOUSING

What is Housing First?

Housing First is an approach to quickly and successfully connect individuals and families experiencing homelessness to permanent housing without preconditions and barriers to entry, such as sobriety, treatment or service participation requirements. Supportive services are offered to maximize housing stability and prevent returns to homelessness as opposed to addressing predetermined treatment goals prior to permanent housing entry.

Housing First emerged as an alternative to the linear approach in which people experiencing homelessness were required to first participate in and graduate from short-term residential and treatment programs before obtaining permanent housing. In the linear approach, permanent housing was offered only after a person experiencing homelessness could demonstrate that they were “ready” for housing. By contrast, Housing First is premised on the following principles:

- Homelessness is first and foremost a housing crisis and can be addressed through the provision of safe and affordable housing.
- All people experiencing homelessness, regardless of their housing history and duration of homelessness, can achieve housing stability in permanent housing. Some may need very little support for a brief period of time, while others may need more intensive and long-term supports.
- Everyone is “housing ready.” Sobriety, compliance in treatment, or even criminal histories are not necessary to succeed in housing. Rather, homelessness programs and housing providers must be “consumer ready.”
- Many people experience improvements in quality of life, in the areas of health, mental health, substance use, and employment, as a result of achieving housing.
- People experiencing homelessness have the right to self-determination and should be treated with dignity and respect.
- The exact configuration of housing and services depends upon the needs and preferences of the population.

While the principles of Housing First can be applied to many interventions and as an overall community approach to addressing homelessness, this document focuses primarily on Housing First in the context of permanent supportive housing models for people experiencing chronic homelessness.

Housing First Effectiveness in Permanent Supportive Housing

Permanent supportive housing models that use a Housing First approach have been proven to be highly effective for ending homelessness, particularly for people experiencing chronic homelessness who have higher service needs. Studies such as HUD’s [*The Applicability of Housing First Models to Homeless Persons with Serious Mental Illness*](#) have shown that Housing First permanent supportive housing

models result in long-term housing stability, improved physical and behavioral health outcomes, and reduced use of crisis services such as emergency departments, hospitals, and jails.

Core Components of Housing First

The core features of Housing First in the context of permanent supportive housing models are as follows:

- ***Few to no programmatic prerequisites to permanent housing entry*** – People experiencing homelessness are offered permanent housing with no programmatic preconditions such as demonstration of sobriety, completion of alcohol or drug treatment, or agreeing to comply with a treatment regimen upon entry into the program. People are also not required to first enter a transitional housing program in order to enter permanent housing
- ***Low barrier admission policies*** – Permanent supportive housing’s admissions policies are designed to “screen-in” rather than screen-out applicants with the greatest barriers to housing, such as having no or very low income, poor rental history and past evictions, or criminal histories. Housing programs may have tenant selection policies that prioritize people who have been homeless the longest or who have the highest service needs as evidenced by vulnerability assessments or the high utilization of crisis services.
- ***Rapid and streamlined entry into housing*** – Many people experiencing chronic homelessness may experience anxiety and uncertainty during a lengthy housing application and approval process. In order to ameliorate this, Housing First permanent supportive housing models make efforts to help people experiencing homelessness move into permanent housing as quickly as possible, streamlining application and approval processes, and reducing wait times.
- ***Supportive services are voluntary, but can and should be used to persistently engage tenants to ensure housing stability*** - Supportive services are proactively offered to help tenants achieve and maintain housing stability, but tenants are not required to participate in services as a condition of tenancy. Techniques such as harm reduction and motivational interviewing may be useful. Harm reduction techniques can confront and mitigate the harms of drug and alcohol use through non-judgmental communication while motivational interviewing may be useful in helping households acquire and utilize new skills and information.
- ***Tenants have full rights, responsibilities, and legal protections*** – The ultimate goal of the Housing First approach is to help people experiencing homelessness achieve long-term housing stability in *permanent* housing. Permanent housing is defined as housing where tenants have leases that confer the full rights, responsibilities, and legal protections under Federal, state, and local housing laws. Tenants are educated about their lease terms, given access to legal assistance, and encouraged to exercise their full legal rights and responsibilities. Landlords and providers in Housing First models abide by their legally defined roles and obligations. For instance, landlords and providers do not enter tenants’ apartments without tenants’ knowledge and permission except under legally-defined emergency circumstances. Many Housing First permanent supportive housing programs also have a tenant association or council to review program policies and provide feedback, and formal processes for tenants to submit suggestions or grievances.

- ***Practices and policies to prevent lease violations and evictions*** –Housing First supportive housing programs should incorporate practices and policies that prevent lease violations and evictions among tenants. For instance, program policies consistent with a Housing First approach do not consider alcohol or drug use in and of itself to be lease violations, unless such use results in disturbances to neighbors or is associated with illegal activity (e.g. selling illegal substances.) Housing First models may also have policies that give tenants some flexibility and recourse in the rent payment, which in many subsidized housing programs is 30% of the participant’s income. For example, rather than moving towards eviction proceedings due to missed rent payments, programs may allow tenants to enter into payment installment plans for rent arrearages, or offer money management assistance to tenants.
- ***Applicable in a variety of housing models*** – The Housing First approach can be implemented in different types of permanent supportive housing settings, including: scattered-site models in private market apartments, where rental assistance is provided, and tenants have access mobile and site-based supportive services; single-site models in which permanent supportive housing buildings are newly constructed or rehabilitated and tenants have access to voluntary on-site services; and set-asides, where supportive services are offered to participants in designated units within affordable housing developments.

Adopting a Housing First Approach in Permanent Supportive Housing

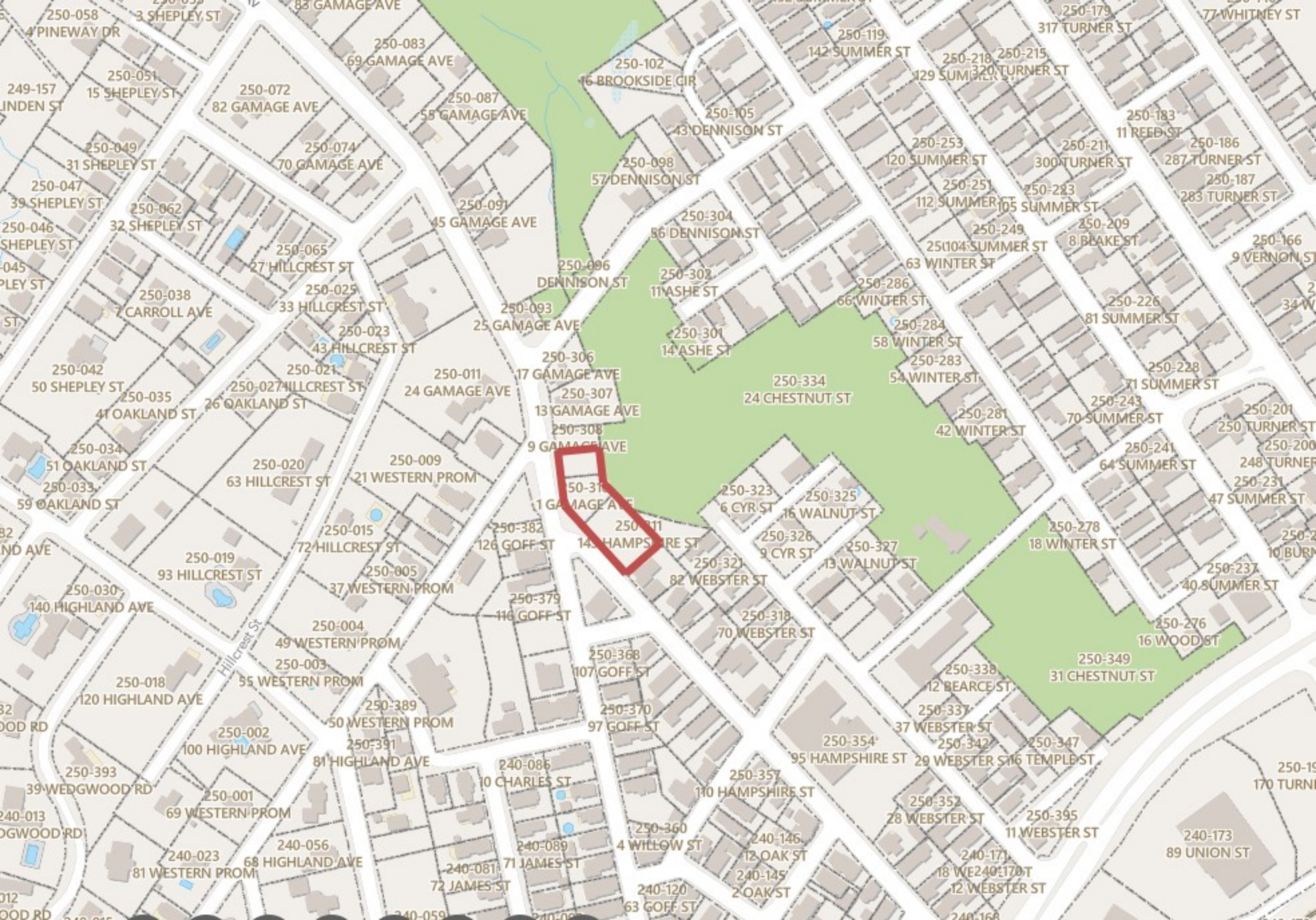
Providers of permanent supportive housing that do not already use a Housing First approach can adopt this approach by reviewing existing program policies and procedures, and by learning and implementing new services and practices through training and clinical supervision. A provider that would like to move to a Housing First program model should start with the following steps:

- ***Review current policies and procedures*** – Providers should undertake a systematic review of their current operating policies and procedures. First, providers should assess tenant selection and admission policies to ensure that they do not screen out applicants on the basis of rental, credit, or criminal histories, sobriety, income, etc. They should also evaluate the application and admission process to identify ways to streamline and shorten the process. They should review the lease terms, lease compliance, and eviction policies to ensure that they are consistent with Housing First principles and housing laws. Lease provisions that require participation in services or that deem alcohol use as lease violations or grounds for eviction should be removed. Providers should consider adding policies that help prevent eviction when a tenant falls behind on rent or experiences other lease violations.
- ***Learn and adopt Housing First services approaches and practices*** – Providers can adopt supportive services approaches and practices that creatively engage tenants to maximize and ensure housing stability. Through training around harm reduction approaches, services staff can learn to confront and mitigate the harms of drug and alcohol use through non-judgmental communication. Staff can also receive training to develop competency around techniques like motivational interviewing, wellness self-management, and trauma-informed care. Adoption of these practices often also requires continual reinforcement through effective clinical supervision, which is key to supporting housing stability.

Useful Resources on Housing First

- [USICH's Housing First Checklist](#) - An easy-to-use tool for policymakers and practitioners to identify and assess whether a program or community is using a Housing First approach. This three-page tool breaks down the Housing First approach into distinguishing components at both the program and community levels.
- [Housing First in USICH's Solutions Database](#) – A description of Housing First along with links to examples and resources from USICH's Solutions Database.
- [The Housing First Fidelity model index](#) - In the April 2013 edition of *Substance Abuse Treatment, Prevention, and Policy*, Watson and colleagues (2013) discuss the development and testing of their Housing First Fidelity instrument. The study finds that the instrument is effective in assessing the quality of Housing First programs and for making implementation decisions.
- [Organizational Change: Adopting a Housing First Approach](#) - The National Alliance to End Homelessness' tool-kit on adopting Housing First as a community-wide strategy.
- [Pathways to Housing - Housing First Model](#) - Pathways to Housing produced a step-by-step manual presents a comprehensive guide to Pathways to Housing's Housing First approach.
- [DESC's Seven Standards of Housing First](#) - Seattle-based Downtown Emergency Service Center has identified seven standards essential to their Housing First approach.
- [Unlocking the Door: An Implementation Evaluation of Supportive Housing for Active Substance Users in New York City](#) - The National Center on Addiction and Substance Abuse at Columbia University and the Corporation for Supportive Housing evaluated the implementation of nine scattered-site Housing First permanent supportive housing programs serving approximately 500 people experiencing chronic homelessness with active substance abuse disorders in New York City. The report concludes with useful lessons for what is critical to implementing a Housing First permanent supportive housing model. A full impact evaluation of these programs will be completed later in 2013. Preliminary findings indicate that the programs were successful in helping people exit homelessness, remain stably housed, and reduce their use of emergency services.





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17 GAMAGE AVE

13 GAMAGE AVE

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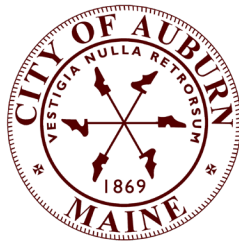
25 GAMAGE AVE





HAMPSHIRE ST





ORDER 05-01062025

City Council Order

IN CITY COUNCIL

ORDERED, that the City Manager is hereby authorized and directed to execute all necessary processes and documents to transfer the properties located at **143 Hampshire Street (Parcel ID 250-311)**, **1 Gamage Avenue (Parcel ID 250-310)**, and **5 Gamage Avenue (Parcel ID 250-309)** to the **Auburn Housing Authority** or an entity under their control, for the purpose of developing a **Housing First project**, contingent upon the award of funding from the **Maine State Housing Authority** to support a **Housing First Development** in Auburn.

Richard S. Whiting, Ward One
Benjamin J. Weisner, Ward Four
Belinda A. Gerry, At Large

Timothy M. Cowan, Ward Two
Leroy G. Walker, Sr., Ward Five
Jeffrey D. Harmon, Mayor

Stephen G. Milks, Ward Three
Adam R. Platz, At Large
Phillip L. Crowell, Jr., City Manager