



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

04210 www.auburnmaine.gov |

207.333.6601

Date: May 14th 2024

Auburn Planning Board

Author: Katherine Cook, Planning Coordinator

Subject: Staff Report on L.D. 2003 Proposed Text Amendments

I. Proposal: Workshop 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: L.D. 2003 has been effective as of the first of January 2024 pursuant to state law, but Chapter 60 of Auburn’s Code of Ordinances still requires additional amendment to fully comply. An LD 2003 Ad Hoc Committee was established to address the inconsistencies between Auburn’s Code of Ordinances and LD 2003. Recommendations from this committee are drafted as ordinance text amendments for the Planning Board to workshop, ask questions, recommend changes, and initiate an ordinance text amendment.

- **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.

III. Suggested Ordinance Amendments:

Sec. 60-34. Buildings per 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 30-A MRSA §4364 and in accordance with Sec. 60-53 and Sec. 60-54.

(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 30-A MRSA §4364 and in accordance with Sec. 60-53 and Sec. 60-54.

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

(5) Single family dwellings may be converted into two or multifamily buildings if located in the growth area as delineated in the Future Land Use Map of the most recent Comprehensive Plan and pursuant to 30-A MRSA §4364 as periodically amended (L.D. 2003 Public Law). See Sec. 60-53 and Sec. 60-54.

Sec. 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 not mandated in the Lake Auburn Watershed Overlay District. 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 road frontage (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. 1.5 acres for each subsequent unit.</u>	<u>325 feet for the first unit. No additional road frontage 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. 0.5 acre for each subsequent unit.</u>	<u>250 feet for the first unit. No additional road frontage 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. 10,890 square feet for each subsequent unit.</u>	<u>150 feet for the first unit. No additional road frontage 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. 2,000 additional square feet per unit for each subsequent unit.</u>	<u>100 feet for the first unit. No additional road frontage is required for subsequent units.</u>	<u>Permitted</u>
<u>Multifamily Suburban</u>	<u>10,000 square feet for the first unit with accessory dwelling unit. 2,000 additional square feet per unit for each subsequent unit.</u>	<u>100 feet for the first unit. No additional road frontage is required for subsequent units.</u>	<u>Permitted</u>
<u>General Business</u>	<u>10,000 square feet for the first unit with accessory dwelling unit. 2,000 additional square feet per unit for each subsequent unit.</u>	<u>100 feet for the first unit. No additional road frontage is required for subsequent units.</u>	<u>Permitted</u>
<u>General Business II</u>	<u>10,000 square feet for the first unit with accessory dwelling unit. 2,000 additional square feet per unit for each subsequent unit.</u>	<u>100 feet for the first unit. No additional road frontage 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 road frontage. 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 June, 1, 2024.</u>
<u>Lake Auburn Watershed Overlay District</u>	<u>Please refer to the underlying zone 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 to include accessory dwelling unit. Minimum lot size is required for each additional unit.</u>	<u>Minimum road frontage required in the underlying zone. No additional road frontage required for subsequent units.</u>	<u>Permitted</u>
------------------------------	--	--	------------------

*Does not apply if within the Lake Auburn Watershed.

Sec. 60-54. Affordable housing density bonus.

Pursuant to § 30-A MRSA §4364, the most recent amendment of L.D. 2003 Public Law, 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 is 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 Division 3 Low Density Country Residential District

Sec. 60-201 Use Regulations

(5) Multifamily 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. See Sec. 60-53 and Sec. 60-54. Subdivision law applies.

Division 4 Low Density Rural Residence District

Sec. 60-229 Use Regulations

(11) Multifamily 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. See Sec. 60-53 and Sec. 60-54. Subdivision law applies.

Division 5, Suburban Residence District

Sec. 60-255 Use regulations

(13) Multifamily 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. See Sec. 60-53 and Sec. 60-54. Subdivision law applies.

Division 6 Urban Residence District

Sec. 60-277 Use regulations

(7) Multifamily 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. See Sec. 60-53 and Sec. 60-54. Subdivision law applies.

Division 7 Multifamily Suburban District

Sec. 60-306. Use regulations.

(3) Multifamily dwellings ~~in existence on September 23, 1988.~~

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

Notes: (6) For affordable developments, off-street parking requirements may not exceed 2 spaces for every 3 units.

Sec. 60-608 Parking requirements

<u>Affordable housing developments pursuant to 30-A MRSA §4364 (L.D. 2003 Public Law).</u>	<u>Off-street parking requirement may not exceed 2 spaces for every 3 units.</u>
--	--

IV. Suggested Motion: I make a motion to initiate a zoning text amendment pertaining to Article 2, 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, Sec. 60-553 Form Based Code use and parking matrix, and Sec 60-608 Parking requirements all within Chapter 60 of Auburn’s Code of Ordinances.