



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

04210 www.auburnmaine.gov |

207.333.6601

Date: July 16th 2024

Auburn Planning Board

Author: Katherine Cook, Planning Coordinator

Subject: Item #8 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, 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:

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 June 18, 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 answers to the Planning Board's questions from the prior month and in the summarized text amendment below, highlighted the uncertain language:

1. *The board decided that they did not want to allow multifamily dwelling units in zones that do not already allow them because doing so would not align with the intent of the zoning district. The draft text amendment reflects this preference.*
2. *The planning board agreed that the status of a lot either having one or two units would be determined retroactively as of January 1, 2024- the day LD 2003 was intended to go into effect.*
3. *The planning board agreed that we can and should drop as many references to 30-A MRSA subsection 4364 as possible as state law is subject to change.*

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.

III. Suggested Ordinance Amendments:

Sec. 60-2. Definitions

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, wood sheds, 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.

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 ands-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 ands-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. 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. 5,000 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 minimum</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 minimum</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 minimum</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.</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.

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.

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</u>	<u>Off-street parking requirement may not exceed 2 spaces for every 3 units.</u>
--	--

- IV. **Staff Recommended Action:** Review Amendments to LD 2003 and give feedback to staff in preparation of initiating public hearing and text change at next available planning board meeting.

- V. **Suggested Motion:** I make a motion to initiate a zoning text amendment to Article 2, General Provisions, 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.