



# City of Auburn, Maine

Office of Planning & Permitting

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Date: October 8<sup>th</sup>, 2024

Auburn Planning Board

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**Subject: Item #2 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:**

**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 27<sup>th</sup>, 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 16<sup>th</sup>, 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, 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 area 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 retro active 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.

**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.

<b><u>Zoning District</u></b>	<b><u>Minimum lot area (per unit)</u></b>	<b><u>Minimum road frontage (per unit)</u></b>	<b><u>Accessory Dwelling Unit</u></b>
<u>Agriculture &amp; 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 not to exceed 1500 SF. 3 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 not to exceed 1500 SF. 1 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 not to exceed 1500 SF. 21,780 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 not to exceed 1500 SF. 10,000 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. 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.

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**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.

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**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.

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**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.

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**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.

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**Division 7 Multifamily Suburban District**

**Sec. 60-306. Use regulations**

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

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**Sec. 60-554. Form based code use and parking matrix<sup>3</sup>**

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

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**Sec. 60-608 Parking requirements**

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

exceed 2 spaces for every 3 units.

- IV. **Staff Recommended Action:** On the Planning Board meeting of May 28, the Planning Board decided to hold another workshop to address questions that came up during the first workshop:
- V. **Suggested Motion 1 (multifamily buildings):** I make a motion to initiate a zoning text amendment 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.
- VI. **Suggested Motion 2 (no new allowance for multifamily buildings):** I make a motion to initiate a zoning text amendment 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.

**Appendix- Examples of multifamily densities using existing Auburn developments:**

Address	Lot size	Existing # of units	Units/acre	Zoning district
48 Hampshire St	0.82 acres	52 units	63 units/acre	T-5.2
10 Gracelawn Ave	2.95 acres	36 units	16 units/acre	GB
20 Great Falls Plaza (Esplanade)	1.4 acres	100 units	71 units/acre	T-6
477 Minot Ave	3.9 acres	36 units	9.2 units/acre	GBII & T-4.2B
405 Center St	1.34	21 units	15.7 units/acre	GB