



# THE CITY OF AUGUSTA

DAVID M. ROLLINS, MAYOR

CITY COUNCIL

MARCI A. ALEXANDER  
LINDA J. CONTI  
JENNIFER DAY  
HAROLD ELLIOTT

KEVIN JUDKINS  
ERIC LIND  
MARK S. O'BRIEN  
COREY WILSON

WILLIAM R. BRIDGEO  
CITY MANAGER

## INFORMATIONAL MEETING AGENDA

THURSDAY, JUNE 13, 2019

6:30 P.M.

CITY HALL (COUNCIL CHAMBERS)

**A. Items for discussion submitted by the City Council and/or the City Manager:**

1. Amendment to the Historic District Boundaries – Councilor Conti
2. Potential Moratorium for Certain Specialized Medical Facilities – Councilor Conti
3. Continued Discussion regarding Home Occupation Zoning Regulations – Councilor Conti
4. Proposed Time Limit for RV Parking and Camping in the City – Councilor Elliott
5. Summer Transportation to the Bicentennial Nature Park – Councilor Judkins
6. Funding for Downtown Artwork Project – City Manager
7. Disposition of Cony Pride Building - City Manager

**B. Persons wishing to address the City Council who have submitted a formal request in accordance with Section 2-61 of the Code of Ordinances:**

1. West Side Neighborhood Association
2. Deborah Caldwell- Incoming Visitors and Transportation Challenges

**C. Open comment period for any persons wishing to address the City Council:**

**AMENDMENT OF ORDINANCE § 300-314.2 Capital-Commerce Districts**

Amendment of ORDINANCE § 300-314.2 Capital-Commerce Districts: AN ORDINANCE TO AUTHORIZE CHANGES TO PERMITTED USAGE WITHIN THE BOUNDARIES OF THE WATER STREET HISTORIC DISTRICT

**WHEREAS, Section 1 a of § 300-314.2** permits general merchandise sales, business and professional offices & restaurants within the boundaries of Kennebec Business District 1 (KBD1) without restriction

**WHEREAS,** a significant portion of the newly created Water Street Historic District lies within the Boundaries of KBD 1

**WHEREAS,** the Water Street Historic District, was deemed historically significant in the areas of commerce, industry, transportation, entertainment and recreation by the National Register of Historic Places as part of its designation

**WHEREAS,** maintaining the integrity of such character as defined by the National Register of Historic Places is integral to growth

**WHEREAS,** excessive office use is found to conflict with said character by:

1. Limiting traditional specialty retail usage
2. Limiting inviting storefront design

**WHEREAS,** office use is defined as:

1. Administrative, executive, professional offices (e.g., lawyer, accountant, tax preparer)
2. Medical, dental, psychological, treatment centers, counseling services, psychiatry offices/clinics (non-animal related), nonprofits

**NOW THEREFORE,** upon recommendation of \_\_\_\_\_

**BE IT ORDAINED BY THE AUGUSTA PLANNING BOARD ASSEMBLED THAT SECTION 1 a of § 300-314.2 BE AMENDED TO LIMIT THE NUMBER AND TYPE OF OFFICE USES PERMITTED IN THE WATER STREET HISTORIC DISTRICT THROUGH THE FOLLOWING MESAURES:**

1. Office uses shall not occupy more than 25% (Note: Percentage based upon City of Augusta Assessor's information) of the total gross first floor building space fronting Water Street (An inventory of existing office locations shall be kept on file in the Planning Department).

2. There is no limit or "threshold" on the number of office uses (gross floor area) situated within the upper floors within downtown building space fronting any street lying perpendicular to Water Street unless specifically stated in this Ordinance.

3. Offices/Clinics currently in operation within the first floor building space fronting Water Street shall be exempt from this ordinance

4. Offices/Clinics currently in operation within first floor building space will forfeit above exemption upon either transfer of building ownership or the ceasing of current operations through lease expiration. They may retain current usage ONLY if the following criteria are met upon owner transferal or lease expiration:

- A minimum of 25% of the gross floor area of the tenant space, shall incorporate a store front, and be located at the front of the tenant space fronting Water Street.
- The new office/clinic floor space shall not exceed 75% of the gross floor area of the tenant space and shall be located behind the retail floor space

5. Co-ops, art galleries, theater operations, banks, independent contractors, co-working spaces, & media/entertainment companies not in direct conflict with any defined portion of the amended provisions shall be exempt from said ordinance

6. The provisions of this ordinance will not affect any current or future municipal operations within said boundaries

7. The provisions will ONLY affect contributing structures within the boundaries of the Water Street Historic District as outlined in blue (See Page 3)

## Historic Districts



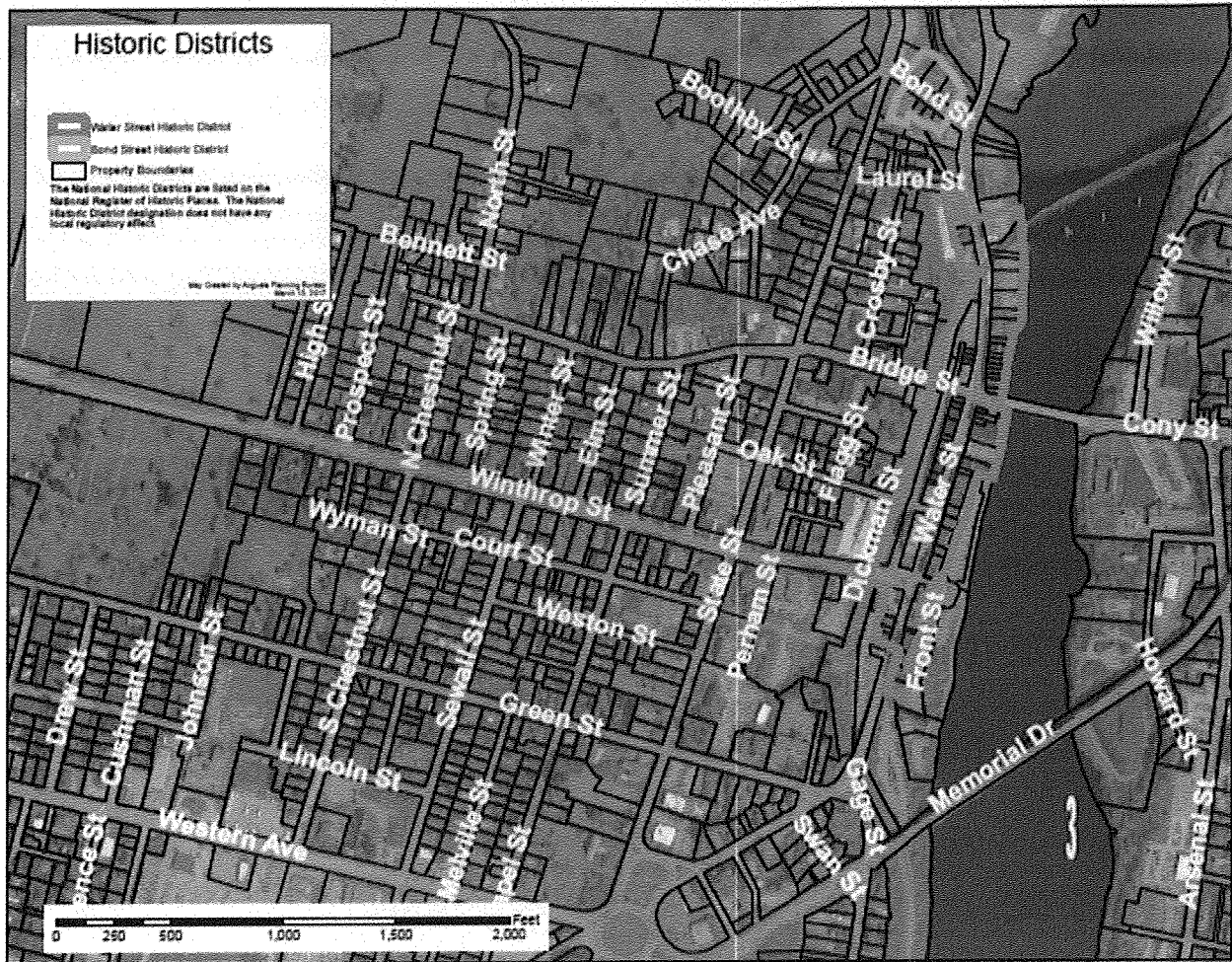
Walker Street Historic District

Bond Street Historic District

Property Boundaries

The National Historic Districts are listed on the National Register of Historic Places. The National Historic District designation does not have any local regulatory effect.

Map Created by Argonne Planning Bureau  
March 13, 2003



## **AMENDMENT OF ORDINANCE § 300-316.5 Historic District**

**Amendment of ORDINANCE § 300-316.5 Historic District: AN ORDINANCE TO AUTHORIZE CHANGES TO PERMITTED USAGE WITHIN THE BOUNDARIES OF THE WINTHROP STREET HISTORIC DISTRICT**

**WHEREAS**, Section E of ORDINANCE § 300-316.5 Defines Historic District as:

A geographically definable area possessing a significant concentration or linkage of sites, structures or objects united by past events or aesthetically by plan or physical development and designated in accordance with the requirements of this section as appropriate for historic preservation.

**WHEREAS**, Section E of ORDINANCE § 300-316.5 Defines Historic Integrity as:

The authenticity of a property's historic identity as evidenced by the survival of physical characteristics (location, design, setting, materials, workmanship, feeling, and association) that existed during the property's prehistoric or historic period.

**WHEREAS**, Section E of ORDINANCE § 300-316.5 Defines Individual Historic Property as:

A property that is worthy of preservation because it possesses historic integrity and local, regional, state, or national significance. Important properties may include structures, sites, and objects significant in American history, archaeology, architecture, engineering, or culture, which have been designated as such in accordance with this section.

**WHEREAS**, Section E of ORDINANCE § 300-316.5 Defines National Register of Historic Places as:

A register assigned by the National Historic Preservation Act of 1966, as amended, that recognizes buildings, sites, districts, structures, and objects significant in American history, archaeology, architecture, engineering, or culture, and identifies them as worthy of preservation.

**WHEREAS**, Winthrop Street Historic District fulfills said criteria

**WHEREAS**, said criteria is in danger of being compromised within the Winthrop Street Historic District due to a lack of inclusion within current ordinance adoptions [As Amended 4-6-2017 by Ord. No. 17-057]

**NOW THEREFORE**, upon recommendation of \_\_\_\_\_

**BE IT ORDAINED BY THE AUGUSTA PLANNING BOARD ASSEMBLED THAT SECTION E of ORDINANCE § 300-316.5 BE AMENDED TO:**

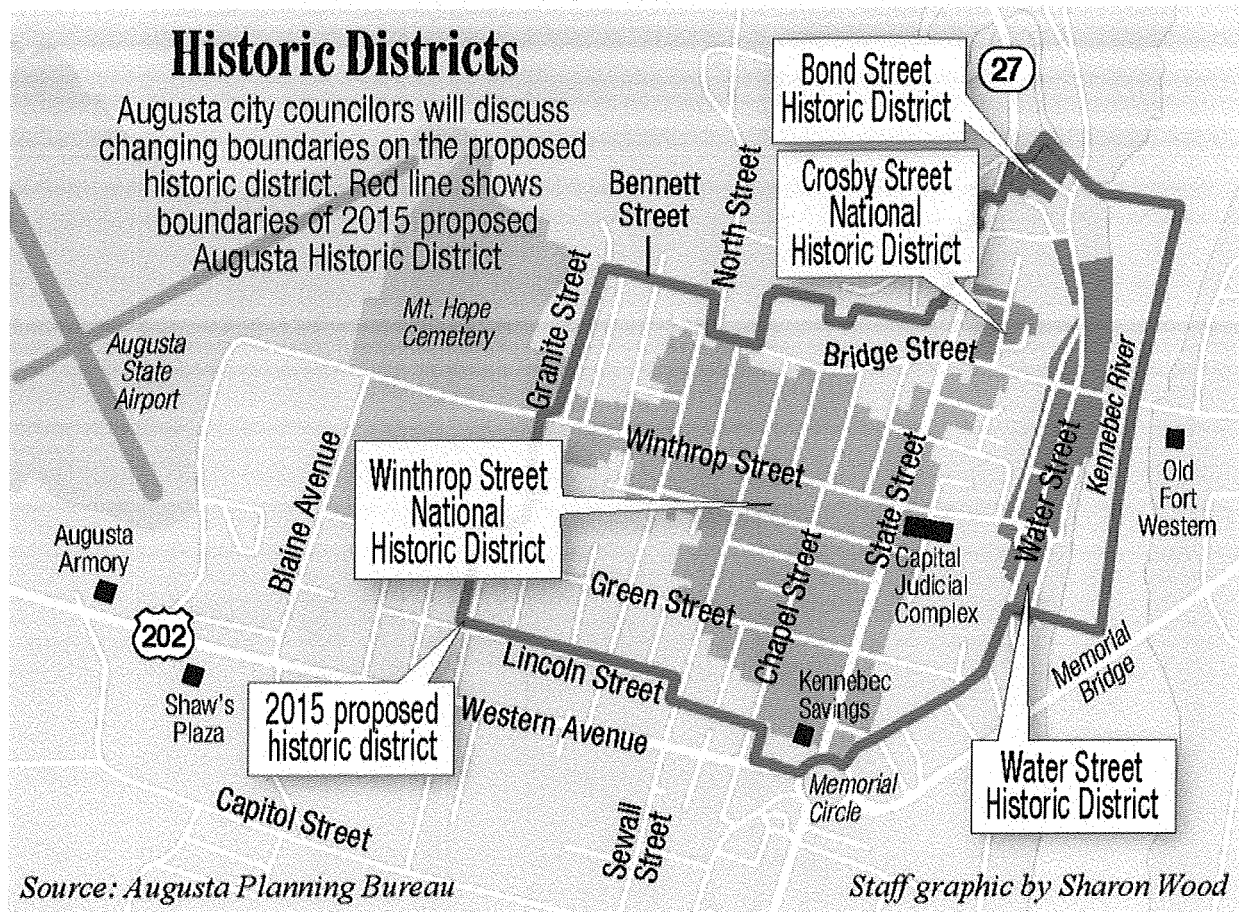
- 1.) INCLUDE THE WINTHROP STREET HISTORIC DISTRICT IN CURRENT ZONING ORDINANCE LISTINGS**
- 2.) LIMIT FUTURE NON-RESIDENTIAL DEVELOPMENT WITHIN ITS BOUNDARIES**

**THIS WILL BE ACCOMPLISHED THROUGH THE FOLLOWING MEASURES:**

1. The Winthrop Street Historic District will be added to SECTION E of ORDINANCE § 300-316.5 alongside the Water Street Historic District and Bond Street Historic District
2. Contributing buildings within the Winthrop Street Historic District will be rezoned exclusively for residential use
3. Residential use will be defined to include both single-family & multi-family housing
4. Structures within the boundaries of the Winthrop Street Historic District currently in operation as non-residential entities will be exempt from this amendment
5. Structures within the boundaries of the Winthrop Street Historic District currently in operation as non-residential entities will be subject to conditional review by the Planning Board upon lease expiration and/or transfer of ownership
6. New owners acquiring current non-residential entities in operation must be able to demonstrate reasonable arguments for maintaining non-residential use subject to both Historic District Review Board and Planning Board approval
7. This ordinance will only affect those buildings contributing to the Winthrop Street Historic District as outlined in brown (See Page 6)

## Historic Districts

Augusta city councillors will discuss changing boundaries on the proposed historic district. Red line shows boundaries of 2015 proposed Augusta Historic District



**City of Augusta, Maine**  
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT  
CODE ENFORCEMENT  
ECONOMIC DEVELOPMENT



FACILITIES & SYSTEMS  
PLANNING

**MEMORANDUM:**

**TO:** City Council  
**FROM:** Matt Nazar, Director of Development Services  
**DATE:** June 10, 2019  
**RE:** Home Occupations

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At the last Council Informational Meeting the Council had a number of changes they wanted addressed and a number that were discussed and decided to leave unchanged:

1. Modify the auto repair home occupation to grandfather the existing businesses through the licensing process and prohibit any new auto repair as a home occupation.
2. Figure out a way to allow some sale of goods on a small scale via a home occupation. Examples of such uses might be Mary Kay representatives, someone altering dresses for sale, or repairing bicycles for sale, etc.

I presumed that the concern always remains the impact on the neighborhood, not the sales transaction per se. In looking over the proposal, I think the limitation on size (30% of the floor area of the residence), the requirement of a license where conditions can be imposed during the licensing process, and the desire by most Councilors to enable people to earn a little extra money through sales of items from their home. Specifically, allowing people to order items from off-premises and then possibly picking those items up will allow these types of sales. It's not a precise system that is easily enforced, but it allows some leeway to allow the continuation of small businesses that have traditionally operated out of someone's home.

3. Hazardous materials used as part of the home occupation would have to be stored and disposed of in accordance with applicable laws. There are too many potential iterations of this to try to list them all, but putting people on notice that they are to act responsibly should help avoid most problems.
4. The fee schedule for the City require a fee of \$100 for a home occupation license be included.



Below are the recommended amendments to the ordinance with changes since the last version being in a darker red.

**§ 300-202. Definitions**

HOME OCCUPATION: An occupation or profession which is customarily conducted on or in a residential structure or property meets the standards of § 300-510 Home Occupations, and which:

- ~~A. Is conducted by a resident of the property with a valid Home Occupation License.~~
- ~~B. A. Is clearly incidental to and compatible with the residential use of the property and surrounding residential uses;~~
- ~~B. Occupies no more than 30% of the floor area of all structures on the property;~~
- ~~C. Does not change the outside appearance of the residential dwelling unit or premises;~~
- ~~D. Is conducted entirely within the dwelling unit or accessory structure; and~~
- ~~E. Employs Operates with no more than one two persons other than family members residing in the home; and~~
- ~~F. Generates any vehicular or pedestrian traffic.~~

**§ 300-510. Home occupations. [Amended 10-6-1997 by Ord. No. 322]**

*Commentary:*

*Traditionally, in zoning, certain occupational uses termed "home occupations" have been allowed in dwelling units. Such uses have been allowed largely on the basis that such uses are incidental to the use of the premises as a residence, that the nature of home occupational uses is such that they are compatible with or even "belong" in the home, or that home occupational uses are of a highly professional nature involving the use of mental rather than physical capabilities and are therefore compatible with residential uses.*

*Based on the previous paragraph, it is difficult to discern exactly which home-based businesses are to be permitted in residential districts. It is recognized, in Augusta, that certain limited home occupational uses can be useful to both the general community as well as the resident proprietor. Also recognized is the difficulty of writing an ordinance dealing with home occupations in a "middle-of-the-road" fashion, which is neither discriminatory or arbitrary. It is hoped that both the citizens and the courts will recognize these difficulties; that the former will not abuse the privileges granted within the following text and that the latter will aid in the enforcement of the sometimes seemingly arbitrary restrictions necessary to preserve residential character in an expedient manner.*

*With the above in mind, it is the intent and purpose of this section to provide for home occupations in residential districts subject to the following restrictions. (The preceding discussion was modified from Rockford, Illinois, Home Occupation Ordinance.)*

A. The conduct of home occupations in residential dwelling units may be permitted under the following provisions:

(1) License:

- a. Required only for home occupations which generate vehicular or pedestrian traffic.
- b. Are issued by a Code Enforcement Officer to a resident of a specific dwelling.

- c. Are non-transferrable.
  - d. Are revocable, should the licensee fail to comply with the terms of the Home Occupation ordinance and/or operate in a manner other than that stated on the license application.
  - e. Have a three-year renewal term from the date of license issuance. Licensee is responsible for renewal application.
  - f. Home occupations meeting licensing criteria must apply for a license within one year of (insert the date of adoption), enactment of licensing standards.
- (2) ~~See definition of "home occupation."~~
  - (3) ~~Home occupations shall be carried on wholly within the principal dwelling unit building or within a building or other structure accessory to it.~~
  - (4) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants; no more than 30% of the total existing floor area of the principal dwelling unit or volume, whichever is greater, shall be used for operating the home occupation.
  - (5) There shall be no visible evidence of the operation of such home occupation outside of typical home uses and equipment, other than one sign, unless such sign is otherwise prohibited by this chapter.
  - (6) A home occupation shall in no extent be carried on in a manner that alters the residential character of the structure, lot or neighborhood. There shall be no outside storage or display of materials or products or equipment or vehicles, nor any window display of any of the same.
  - (7) The sign for a home occupation shall be limited to a property owner "name" sign with the street number and name clearly denoted. The "name" sign may include the type of occupation. The sign shall be non-illuminated and no larger than two square feet. See § 300-516 for additional standards.
  - (8) ~~No traffic shall be generated by such home occupation in greater volumes than would ordinarily be expected in the neighborhood, and a~~Any need for parking generated by the operation of the home occupation shall be met on the lot, off the street in the driveway or designated parking spaces, in other than what is the required front yard; ~~the burden of proof shall be on the applicant.~~
  - (9) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. ~~if the home occupation is conducted in a detached one-family home dwelling, or outside the dwelling unit if conducted in any other form of dwelling. In the case of electrical interference, n~~No equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.
  - (10) The sale of products shall be limited to those which are grown, crafted, assembled, or substantially altered on the premises; ~~to catalog items ordered off the premises by customers; and to items which are accessory and incidental to a service which is provided on the premises.~~
  - (11) A home occupation shall be carried on by permanent residents of the dwelling unit, with not more than one person, including a business associate, who is not a resident ~~two employees who are not residents~~ of the dwelling unit. The owner's written permission is required for said home occupation if the resident is a tenant.

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- (12) Licensed home occupations shall terminate when a licensee no longer resides at the location.
- (13) Only one home occupation is permitted per lot.
- (14) Initial and periodic inspections by a Code Enforcement Officer, or other city staff, are part of the licensing process.
- (15) Planning Board review, as a conditional use, shall be required for any applicant wishing to exceed the above-stated limitations.
- (16) All existing auto repair/service /repair home businesses proposed in the RA, RB1, RB2, and RC Zones shall be reviewed as a conditional use by the Planning Board shall obtain a non-transferable license and may continue operating as long as the original licensee is able to renew the license as required by this ordinance. No auto repair/service home businesses shall be licensed if it did not exist as a legal home business on January 1, 2019.
- (16)(17) Hazardous materials used during the course of the operation of the home occupation will be stored and disposed of in accordance with any applicable state or federal regulations.
- (17)(18) Medical Marijuana Registered Caregiver (Home Occupation) shall meet all license requirements for a home occupation and the additional license requirements for a Medical Marijuana Registered Caregiver (Home Occupation). This use shall be a delivery only operation, with no customers coming to the site for any purpose. All in-person caregiver operations shall be done at the patient's home or other legal site.

B. Failure to get licensed prior to beginning operation will result in a doubling of the fee for a license after-the-fact. For home occupations in existence when this ordinance is adopted, failure to get licensed within 12 months of the effective date of the ordinance will result in a doubling of the fee.

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**City of Augusta, Maine**  
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT  
CODE ENFORCEMENT  
ECONOMIC DEVELOPMENT



FACILITIES & SYSTEMS  
PLANNING

**MEMORANDUM:**

**TO:** City Council

**FROM:** Matt Nazar, Director of Development Services

**DATE:** June 10, 2019

**RE:** Limitations on campers or tents used year round within the City of Augusta

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Councilor Elliot has requested a memo discussing how to limit the amount of time an individual can live in a camper on their property. A few years back we had to completely repeal and replace the entire code to correct problems that had occurred with our prior code maintenance company. When that happened, I told the Council there may be some sections of the ordinance that changed a little because of the re-codification and the attempt to correct the errors of the old code company. Section 300-520 was one of those changed sections.

Section 300-520 is attached and used to only apply to the shoreland zones in the city, but at this point applies citywide. Subsection B covers "Individual Private Campsites and has standards in place for people living in RVs, tents, or other temporary shelters on a property. We believe, and have discussed this with Corporation Council, that we can enforce this provision city-wide. The remaining question is whether or not it adequately addresses Councilor Elliot's and the Councils' concerns about these uses being in place long term.

## Chapter 300. Land Use

### Part 5. PERFORMANCE STANDARDS

#### Article VII. Special Use Standards

##### § 300-520. Campgrounds and campsites.

- A. Campgrounds. Campgrounds shall conform to the minimum requirements imposed under state licensing procedures and the following:
- (1) Campgrounds shall contain a minimum of 5,000 square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body, shall not be included in calculating land area per site.
  - (2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility service buildings shall be set back a minimum of 100 feet from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and 75 feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
  - (3) No recreational vehicle or tent shall be used for temporary dwelling except in an approved campground.
  - (4) In the Rural Ponds District, campgrounds shall be required to comply with Chapter 3 of the Phosphorous Control in Lake Watersheds Manual prepared by the Maine Department of Environmental Protection, September 1989, as amended.
  - (5) In any other district in which campgrounds are permitted, the following minimum standards shall apply:
    - (a) Campgrounds shall provide water and sewerage systems, sanitary stations, and convenience facilities, in accordance with the regulations set forth by the Maine Department of Human Services.
    - (b) No single site shall be less than 50 feet in width.
    - (c) All campgrounds shall be completely screened with vegetation from adjacent land areas and from public roads, except that safe visual clearances shall be provided at each vehicular entrance to and exit from the campground.
    - (d)

A minimum of 155 square feet off-street parking space plus adequate maneuvering space shall be provided for each site.

B. Individual private campsites. Individual private campsites not associated with campgrounds are permitted, provided the following conditions are met:

[Amended 4-20-2017 by Ord. No. 17-069]

- (1) One campsite per lot existing on the effective date of this chapter, or 30,000 square feet of lot area within a shoreland zone, whichever is less, may be permitted.
- (2) When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use and the individual private campsite separately.
- (3) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 100 feet from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and 75 feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (4) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- (5) The clearing of vegetation for siting of the recreational vehicle, tent or similar in a Resource Protection District shall be limited to 1,000 square feet.
- (6) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off site, written authorization from the receiving facility or landowner is required.
- (7) When a recreational vehicle, tent or similar shelter is placed on site for more than 120 days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules, unless served by public sewage facilities.

**City of Augusta, Maine**  
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT  
CODE ENFORCEMENT  
ECONOMIC DEVELOPMENT



FACILITIES & SYSTEMS  
PLANNING

**MEMORANDUM:**

**TO:** William Bridgeo, City Manager

**FROM:** Matt Nazar, Director of Development Services

**DATE:** June 10, 2019

**RE:** Cony Pride renovation estimate

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The following information assumes the Cony Pride building renovation would be to use it as a historical site to display various artifacts related to its past use or other important elements of the city. The property would essentially be a museum. All parking for the site would have to be on-street, as there's no safe vehicle parking available on-site without requiring people to back out onto Cony Street. The total lot size is 2,500 square feet of land.

The Cony Pride building is in poor condition and in order to re-use it, it would need to both be structurally stabilized and fully renovated. We engaged Coffin Engineering to review the structural integrity and render an opinion on what would be needed to stabilize the building. If we want a full report from Ben Murry, the structural engineer, he can provide that, but it will take additional time. They provided the following cost estimates from Lajoie Brothers based on Ben's assessment of what needs to be done to stabilize the building:

Structural framing repairs - \$18,000  
Structural foundation repairs (cheak wall against existing, parge wall at block) - \$48,000  
6" Slab over existing slab with WWM - \$24,000  
New EPDM roof - \$28,000  
Removal of 2 steel beams in basement - \$2,500  
Removal of debris from basement - \$1,500  
Hazardous material abatement - \$10,000  
**Totaling \$132,000 to structurally stabilize the building**

The total cost to demolish the building would be about \$30,000, including the \$10,000 hazardous material abatement. That would leave the city with a 2500 square foot lot on Cony Street that would only have value to the two abutters, as the lot dimensions are about 26' x 98'. I suppose a small house might be able to be constructed on the site, especially if a variance were granted for setbacks, but it would be a very unique buyer who would want to do that.