



City of Auburn, Maine

Office of Planning & Permitting

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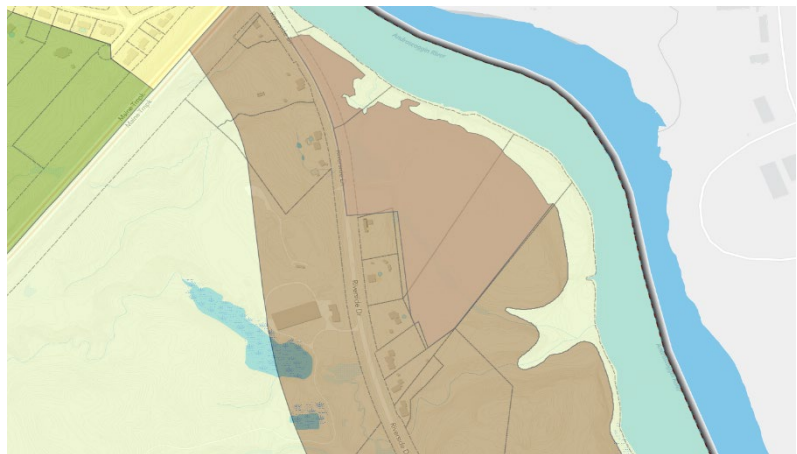
Date: January 9, 2024

To: Auburn Planning Board

From: John Blais, Deputy Director Planning and Permitting

Subject: Staff Report on Zone Change Petition and tabled discussion for Parcel ID 074-004-001 on Riverside Drive while considering Parcel ID 174-004-002 and 174-004.

I. Proposal: Public Hearing/ Map Amendment Tabled Discussion: Consider amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by amending City Assessor’s Parcel I.D.s 174-004, 174-004-001 and 174-004-002, located on Riverside Drive, from the Agriculture and Resource Protection (AGRP or AG) zoning district to the Low-Density Rural Residence (RR) zoning district. This zoning amendment has been initiated via petition and is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.



Materials/Considerations:

1. Petition and Receipt
 2. Original zoning Map Amendment for Public Hearing November 14, 2023: Rezoning Approximately 11.5 Acres of AG to RR
 3. Planning Board considerations; Following the interior 0.2% Annual chance flood hazard line. Increasing to lots 174-004-002 and 174-004 to create connectivity to existing zones to align better with the Comprehensive Plan. Total of 6.7 acres additional zone changes.
 4. Total zone change consideration is 18.2 +/- acres.
- PID 174-004 1.30 Acres
 - PID 174-004-001 9.50 Acres
 - PID 174-004-002 7.40 Acres

II. Background: In November, the planning board considered a petition signed by at least 25 registered Auburn voters to amend the zoning map for Parcel I.D. 174-004-001 along Riverside Drive. The parcel to be rezoned was one of three parcels were zoned as Agriculture and Resource Protection (AG or AGRP) following the property lines instead

of the Low-Density Rural Residence or Rural Residential (RR) zoning district following the FEMA flood plain map as were each of the parcels extending south along Riverside Drive after crossing under the Maine Turnpike. The map amendment that Mr. Gagnon petitioned for was for the middle of three parcels which currently have the zoning designation as AGRP. The planning board questioned whether changing the zoning of just Mr. Gagnon's parcel would constitute a spot zone. The Board tabled the decision in November and asked to review a map that follows the FEMA floodplain and includes amending the zoning of both abutting parcels.

The Board tabled the vote again in December because they wanted to see the Comprehensive Plan Future Land Use Plan map change simultaneously or before the zoning map amendment to align with the land use pattern along the rest of Riverside Drive. An amendment to the comprehensive plan was presented as a consideration before this item.

Amendments to the zoning ordinance, including the zoning map, may be initiated by the Planning Board on its own initiative or upon request by the City Council or by a petition signed by not less than 25 registered voters of the city (Ord. of 9-21-2009, Sec. 8.1A) One of the primary tests of a zone change is its conformance with the Comprehensive Plan.

“The Future Land Use Plan (FLUP) shows graphically how the City's land use policies apply to the land area of the community, and where and how growth and development should and should not be accommodated over the next decade. The Future Land Use Plan is not a zoning map. It is intended to show, in a general sense, the desired pattern of future land use and development. The intention is that this Future Land Use Plan will guide near-term revisions to the City's zoning ordinance and maps to assure that the City's land use regulations are consistent with the policies set forth in this Comprehensive Plan. In addition, by designating transitional districts, the Future Land Use Plan is designed to guide future zoning changes when the circumstances become appropriate.

This parcel is shown in the FLUP as Agricultural, but the parcel is abutted with RR designated land. Staff believe this is a natural and logical expansion of the Rural Residential zone on Mr. Gagnon's and abutting parcels.

Planning Board Action: Staff recommends that the planning board hold a Public Hearing and make a favorable recommendation to City Council on the proposal.

III. Suggested Finding of Fact:

1. The applicant submitted rezoning petitions and signatures, City Zoning maps with Parcels identified, 500' abutters list, and plans on October 6, 2023, thus meeting the time frame and submission standards (Sec. 60-1446). The 25 plus signatures have been attested by the City Clerk's office.
2. The proposal can be implemented without detriment to city resources.

3. The proposal meets the general future land use plan pattern of development and is consistent with the current comprehensive plan.

V. Suggested Motion: I make a motion to forward a favorable recommendation to City Council to amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by amending City Assessor’s Parcel ID 174-004-001, 174-004-002 and 174-004 from the Agriculture and Resource Protection zoning district to the Low-Density Rural Residence or Rural Residence zoning district following the interior 0.2% annual chance flood hazard line for total zone change of 18.2+/- acres.”