



City of Auburn, Maine

Office of Planning & Permitting

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To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report: Petition to amend T-4.2B zoning text to add clarity

Date: June 6th, 2023

I. Public Hearing/ Zoning Text Amendment: Consider a proposed text change to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen’s Petition submitted June 12, 2023. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the zoning ordinance or zoning map.

II. Background: 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) Zoning map and text changes may be appropriate where they serve to support the goals of the Comprehensive Plan.

Staff currently understands that front setbacks in T-4.2 and T-4.2B zoning districts may be measured from shared accessways, private ways, and shared parking areas. This petition seeks to clarify this understanding by adding the underlined language to Sec. 60-548B as follows: “Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of the principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area.”

This language addition is consistent with the comprehensive plan, but staff suggests a few additional changes to T-4.2B including amending Sec. 60-548B.2- Building frontages to allow for greater flexibility for single family homes and duplexes. and amending Sec. 60-548B.1- Building placement and configuration T-4.2B to decrease the minimum frontage buildout for residential lots. Staff hopes to hold a workshop, receive feedback from the planning board, and vote on the amendments to the zone together.

In the petition's explanation, the circulator intends for the added language confirming setback interpretation to be applied to the approval of projects to this point, and notwithstanding M.R.S. § 302 is intended to apply retroactively to all pending proceedings, without requiring any remand for re-approval but the Board for its implementation to approved projects. Staff intends to seek legal counsel on the intention for this language change to apply retroactively, and as such, recommends that the Board table this item to the next regularly scheduled meeting on August 8, 2023.

Planning Board Action: Staff suggests planning board table this item until August 8th, 2023, to allow staff to seek legal advice and prepare the additional text amendments, alluded to above, for consideration

III. Suggested Finding of Fact:

1. The applicant submitted rezoning petitions and signatures, City Zoning maps with Parcels identified, 500' abutters list, on October 3, 2022, thus meeting the time frame and submission standards (Sec. 60-1446).
2. 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 table the vote on amending Sec. 60-548B-*Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023, until August 8, 2023.