



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

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To: Auburn Planning Board
From: Megan Norwood, City Planner
Re: Proposed Amendment to Sec. 60-992 (Nonconforming Lots in the Shoreland Zone)
Date: March 25, 2021

I. PROPOSAL: Section 60-992(a) of the ordinance reads as follows:

- (a) All new principal and accessory structures shall be set back at least 100 feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and 75 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in general development areas the setback from the normal high-water line shall be at least 25 feet, horizontal distance. Lots less than 120 feet deep measured at right angles to the shoreline which were in existence on or before December 17, 1973, shall have a shoreline setback requirement of 50 percent of the lot depth. In the resource protection district the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

For the purpose of this section the term "general development areas" includes all areas where the underlying zoning is identified as General Business, General Business II, Central Business I, ~~Central Business II, Central Business III, Form-Based Code areas~~, Industrial or Multi-Family Urban districts, except where these districts fall within the Taylor Pond or Lake Auburn Watersheds or on the east shore of Bobbin Mill Brook.

This nonconforming provision is used often for properties on Lake Auburn and Taylor Pond that do not have enough lot area to meet a 100-foot setback from the water. Staff consulted with DEP and this provision was a special local condition approval given the existing conditions of many of the lots. In order to amend the ordinance, the City will have to go through the same special local condition review as before which will entail showing how many lots this would affect, their depths and the locations.

Staff recommends changing the 120-foot depth requirement to 150-feet, a 30-foot difference that would allow some properties the added benefit of additional area to build.

In addition, Staff recommends replacing the current language that refers to Central Business I, II and III to Form-Based Code areas to match the current zoning map.

II. DEPARTMENT REVIEW:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

- ### III. PLANNING BOARD ACTION/STAFF SUGGESTIONS:
- Staff suggests the Planning Board offer a recommendation to the City Council to begin the process of coordinating with DEP to increase the lot depth for nonconforming lots from 120 feet to 150 feet. Staff will work on a map that identifies how many properties this small 30-foot change could affect.