INFORMATIONAL MEETING AGENDA

THURSDAY, NOVEMBER 14, 2019
6:30 P.M.
CITY HALL (COUNCIL CHAMBERS)

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

1. Military Personnel Excise Tax Exemption - Councilor Lind
2. Planning Board recommendation on 3 Bangor Street Contract Rezoning for Medical Marijuana - City Manager
3. Planning Board Recommendation on Cluster Zoning Standards in the Rural Residential (RRES) District – City Manager
4. New Police Station (Including Councilors-Elect) – 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:

C. Open comment period for any persons wishing to address the City Council:
PUBLIC HEARING: The Raging Bull, Vinous, Spirituous, and Victualer’s License

NEW BUSINESS:

19-184 City Manager
BE IT ORDERED, that the Malt, Vinous, Spirituous and Victualer’s License for The Raging Bull Saloon LLC located at 228 Water Street be hereby approved, conditional that all fees have been remitted.

Respectfully submitted,

Barbara Geaghan, City Clerk
November 13, 2019
Title 36: TAXATION
Part 2: PROPERTY TAXES
Chapter 111: AIRCRAFT, HOUSE TRAILERS AND MOTOR VEHICLES

§1483-A. Local option exemption for residents permanently stationed or deployed for military service outside of the State

A municipality may by ordinance exempt from the annual excise tax imposed pursuant to section 1482 vehicles owned by a resident who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this State or deployed for military service for a period of more than 180 days who desires to register that resident's vehicle in this State. To apply for the exemption, the resident must present to a designated municipal official certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed for military service for a period of more than 180 days. For purposes of this section, "United States Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces. For purposes of this section, "deployed for military service" has the same meaning as in Title 26, section 814, subsection 1, paragraph A. [2011, c. 313, §1 (NEW); 2011, c. 313, §2 (AFF).]

SECTION HISTORY
MEMORANDUM:

TO: City Council

FROM: Matt Nazar, Director of Development Services and Betsy Poulin, Deputy City Planner

DATE: October 25, 2019

RE: Rezoning for Medical Marijuana Caregiver Retail Store at Whipper’s Car Wash

The City Council, on August 1, 2019, sent a request for a recommendation on the contract rezoning of 3 Bangor Street to allow a Medical Marijuana Caregiver Retail Store. The use is not permitted in the Kennebec Business 2 District (KBD2) and location is within the 500 feet buffer of a Religious Activity, which is required in the Medical Marijuana ordinance.

The 500 foot buffer (orange buffer on the map) from a Religious Activity (magenta parcels) is an ordinance standard for any Medical Marijuana Business in any zoning district. The Light of the World Church is located at 79 Cony Street, along Cony Circle, and the offset from this church encompasses 3 Bangor Street, eliminating the property from eligibility as a Medical Marijuana Business, which is the primary reason for the contract zone request.
At the September 24, 2019 Planning Board workshop, the board determined that a contract zone should not be created to waive the buffer/setback from a religious activities use, or any of the other uses requiring a setback. Waiving the setback would set a precedent for every other potential Medical Marijuana Business wanting to establish in Augusta.

A public hearing was held on October 22, 2019 and the Planning Board voted unanimously for a negative recommendation to City Council for the Contract Zone request. Two comments were received by staff from residents of the area who did not support the proposal; the property owner was not present at the meeting; and the board maintained that a contract zone for a property within the 500 foot buffer/setback was not permissible.

For the contract/conditional rezoning, any parcel reclassification shall meet the following criteria, according to the Land Use Ordinance § 300-106.B(1)(f):

1. The rezoning shall be consistent with the 2007 Comprehensive Plan and any plans or policies subsequently adopted by the City;
   - The property is within the River/Downtown Future Land Use area which is proposed to be mixed use, noting that "retail, except auto or the display of large goods outside, such as tractors, motorcycles, etc" is a proposed use. The rezoning would change an auto retail use to a retail use, increasing compliance with the plan.

2. The rezoning shall be consistent with established land use patterns;
   - The established land use pattern in the area is mixed uses, including retail, restaurant, financial, religious, educational, single family and multi-family residential and other various uses. Two medical marijuana caregiver retail store have been approved by the Planning Board on Bangor Street (in the Local Business (CB) District). The proposed rezoning is consistent with established land use patterns.

3. The rezoning will not create an isolated district unrelated to adjacent districts;
   - A contract rezoning would permit a retail use in a district where retail uses exist, however permitting a specific use not allowed in the district could create an isolated district.

4. Adequate utilities, roads and services must exist or must be provided;
   - Adequate utilities, roads and services exist at the property.

5. The rezoning is justified by a changed or changing condition(s).
   - On July 20, 2019, the Medical Marijuana Ordinance became effective in Augusta after a year and a half of discussions at both City Council and Planning Board levels. The ordinance adopted did not include the Kennebec Business 2 District (KBD2) for Medical Marijuana Caregiver Retail Stores and includes a 500 foot buffer from educational services, religious activities and state licensed daycares. Due to the fact that the ordinance changes are so recent, this request could have been discussed in detail during ordinance creation. The request does not meet this ordinance standard.
MEMORANDUM:

TO: City Council

FROM: Matt Nazar, Director of Development Services and Betsy Poulin, Deputy City Planner

DATE: October 25, 2019

RE: Cluster Development in Rural Residential District (RRES)

A property owner approached city staff wanting to create a cluster residential development in the Rural Residential District (RRES), creating smaller housing lots with larger portions of land dedicated to open space. When reviewing the standards, staff found the RRES district encourages cluster development, however the standards required do not create a flexible framework to establish a well-designed development layout. Other districts which encourage cluster development have more flexible standards, utilizing the site capacity analysis process.

In the RRES district, single developments, minor subdivisions and major subdivisions all require 30,000 SF of land area per dwelling unit. Major subdivisions also require 12,000 SF minimum open space per dwelling unit, therefore requiring more land area for the entire subdivision without receiving the “benefit” of a reduced lot size to gain the required open space. The district also includes the following requirement:

*All open space shall be made contiguous along an outside boundary (or boundaries) of the subdivision to the greatest practicable extent and shall be dedicated to an association of parcel owners initially created by the developer and which at a specified time period revert to said parcel owners. This open space shall include land appropriate to passive and active recreational uses, but may include nonbuildable land such as wetlands and steep slopes.*

Cluster development is intended to use open space to protect sensitive environmental resources, provide recreational opportunities and provide wildlife habitat which is ideally connected to other tracts of undeveloped land. Staff is proposing to reduce the land area calculation per dwelling unit for major subdivisions and increase the amount of open space required per dwelling unit. The open space should also be located in areas of sensitive environmental resources and provide links to other tracts of protected open space, where possible. Cutting the lot size per dwelling unit to 20,000 SF/dwelling unit and increasing the open space to 20,000 SF per dwelling unit is a method to better achieve the goal. The open space could require a conservation easement and ownership could be managed by an association of
property owners within the subdivision, or dedicated to an appropriate land trust or other entity which would manage and maintain the property. At the October 22, 2019 Planning Board public hearing the following changes were sent to City Council for consideration.


A. Purpose. The district contains sensitive natural resources and residential neighborhoods and, for the most part, is not geographically well suited for extension of water and sewer. It is the district's intent to conserve the rural character of the City. Residential development and its support services (such as small scale shops, convenience retail, laundry, and other satellite services) will be permitted. Clustered developments are encouraged to conserve open space and natural values and minimize the cost of services. Maximum permitted densities will be in keeping with natural resource values and groundwater protection considerations.

B. Requirements for location of parking, servicing, and loading areas (one and two family dwellings are exempt). With the exception of all the allowable permitted uses, all off-street parking lots/areas/stalls, vehicle servicing areas and delivery and garage bay doors shall be located (to the greatest extent practicable) to the side or rear of buildings and away from the road frontage of the property. Buffer yard standards for Urban, Industrial, and Planned Development Districts identified in § 300-502 of this chapter are applicable to all parking lots with six or more spaces.

C. Dimensional requirements.

(1) Single developments and minor subdivisions.
   (a) Minimum lot size: 60,000 square feet.
   (b) Minimum road frontage: 200 feet.
   (c) Minimum lot depth: 135 feet.
   (d) Minimum land area required per dwelling unit: 30,000 square feet.
   (e) Minimum building setbacks:
      [1] Front: 35 feet from arterial/collector streets. 20 feet from all other streets or right-of-ways. 20 feet/35 feet.**
   (f) Maximum building height: 30 feet.
   (g) Notes:
      [1] *Front setback: 35 feet from the street line of arterial and collector streets; 20 feet from the street line of all other streets.**
      [2] **Side/rear setbacks are flexible; see § 300-502, Buffer yards.
      [3] See the arterial/collector street list in § 300-515C.

(2) Major subdivisions.
   (a) Minimum lot size: 40,000 60,000 square feet.
   (b) Minimum lot size per dwelling unit: 20,000 30,000 square feet.
   (c) Minimum open space per dwelling unit: 20,000 12,000 square feet.*
   (d) Minimum lot size for nonresidential uses: 60,000 square feet.
   (e) Minimum lot frontage:
(f) Minimum lot depth:

(g) Minimum building setbacks:
   [1] Front: 35 feet from arterial/collector streets, 20 feet from all other streets or right-of-ways, 20 feet/35 feet.**

(h) Maximum building height: 30 feet.

(i) * All open space shall be: Notes:
   [1] * All open space shall be Made contiguous with existing open space on adjacent parcels, located along an outside boundary (or boundaries) of the subdivision and/or protect valuable environmental resources to the greatest practicable extent;
   [2] Shall be dedicated to an association of parcel owners within the subdivision through homeowner's association documents or deeded to an approved land trust; initially created by the developer and which at a specified time period revert to said parcel owners. This open space shall include prioritize land appropriate to protection of sensitive areas including erodible or shallow soils, wetlands, aquifers, aquifer recharge areas, flood plains, steep slopes over 15%, high value plant and animal habitats, and shoreland district lands;
   [3] Shall include prioritize land appropriate to passive and active recreational uses and communal utilities such as solar panels, wind turbines, septic fields, etc. but may include nonbuildable land such as wetlands and steep slopes.
   [5] **Front setback: 35 feet from the street line of arterial and collector streets; 20 feet from the street line of all other streets.
   [6] ***Side/Rear setbacks are flexible; see § 300-502, Buffer yards.

   [7] See the arterial/collector street list in § 300-515G.