

RURAL ZONING COMMITTEE

Background Paper No. 5
Revised October 4, 2007

REVISING THE F&A ZONING DISTRICT

The Rural Zoning Committee has previously separated the large F&A district into 8 sectors for analysis and planning purposes. Based on its review of soils, natural resources, land use, and development information, and on input from a public meeting conducted in June 2007, it has established objectives for each of the sectors. In its August and September meetings, it began to consider different approaches to achieve these objectives; and to assign each of the 8 sectors into different “zoning” categories. These are:

- a **low density residential district** to accommodate more residential development (this could be either the existing F&A standards, or a Medium Density Residential District that uses standards for on-site wastewater and wells, or some combination of these);
- a **“new” F&A district** with standards that are more truly rural;
- a **resource conservation area** associated with a mapped Rare or Exemplary Natural Community (peat bogs); and
- a **mixed-use residential-low impact commercial** concept for the Stillwater Avenue corridor.

This work still is evolving, and the public will be asked in October to provide reactions and guidance to the ideas that are on the table. The map at the end of this background paper shows locations of the zoning categories under consideration.

A. For Sectors Tentatively Designated as Low Density Residential

- Pushaw Community
- Kelley Hill/Forest Avenue

Options: Either use the existing F&A District standards (but re-name as “Low Density Residential” (LDR)) or, if somewhat higher residential density is desired, re-zone to MDR and use the existing MDR District standards for lots with on-site water supply and sewage disposal. In either case, under the terms of the State’s Growth Management Program, these areas would be included within the Town’s Comprehensive Plan as either a “growth area” or a “transitional area.” Wetlands and other unbuildable areas within the districts would continue to be regulated under Town and State standards.

The standards for each of these choices are summarized in the following table:

	New LDR (using current F&A stds.)	OR	MDR on-site water and sewage stds.
Minimum lot area (sq. ft.), on-lot sewer & water	80,000		40,000
Minimum lot width (frontage) (feet)	200		150
Minimum area per family (net density) (sq. ft.)	80,000		40,000
Minimum front yard depth (feet)	20		20
Minimum side yard (feet)	10		10
Minimum rear yard (feet)	10		10
Maximum building height (feet)	35		35

Other standards:

- In addition to complying with the subdivision standards contained in Sec. 18-210 of the Land Use Ordinance, the following would apply:
 - Any new lot that is part of a subdivision would have to have its frontage on a street other than an existing arterial or collector road, as identified by MaineDOT (e.g., Forest Avenue)
 - The 2500-foot/20-lot limits on dead-end streets would be kept
 - The requirement that subdividers provide rights-of-way for future connections to adjacent vacant lands would be kept
- Residential clustering would be allowed/encouraged, according to the terms of Section 18-136 adopted by the Town in March 2006. Allowable density in a residential cluster subdivision would be 2 units per net acre (the maximum allowed by state law for lots relying on subsurface wastewater disposal). Under the existing clustering provisions, 25% of the parcel (30% if single-family attached) must be in open space outside of individual lots and required buffers.

A consideration in deciding whether to keep the existing F&A structure (but re-naming to Low Density Residential) or to re-zone MDR is that the land uses allowed in the existing F&A are more expansive than in the MDR. The F&A district allows a variety of open space, commercial, and institutional uses that the MDR does not. These include:

- Open space uses, such as stables and riding academies, aviation uses, and temporary sawmills.
- Commercial and industrial uses, such as auction barns, communication towers, kennels, lumber yards and commercial firewood processing, nurseries and greenhouses, recycling facilities, R&D services, and tenting and camper trailer parks.

- Institutional and public uses, such as civic service facilities, solid waste facilities, and fire stations.

If the Committee would like to combine the land use limits of the MDR district with the lower residential density of the current F&A district, then it should recommend creating a new LDR district that has the MDR uses and the current F&A standards.

B. For Sectors Tentatively Designated as Forestry and Agriculture with New Rural Standards

- Outer Essex/Forest Ave.
- Newman Hill & Bangor Hills

This would keep the old F&A name, but it would have new standards aligned with rural land use objectives. It is suggested that this district reduce density from 1 unit per 80,000 sf (a little under 2 acres) to 1 unit per 120,000 sf (a little under 3 acres); and move to conservation subdivision standards with required open space. Suggested standards (both for lots outside of subdivisions and for lots within subdivisions), with a comparison to the standards that they would replace, are:

	Proposed New F&A Standards	Existing F&A Standards
Outside of subdivisions		
Minimum lot area (sq. ft.), on-lot sewer & water	120,000	80,000
Minimum lot width (frontage) (feet)	200	200
Minimum area per family (net density) (sq. ft.)	120,000	80,000
Minimum front yard depth (feet)	20	20
Minimum side yard (feet)	10	10
Minimum rear yard (feet)	10	10
Maximum building height (feet)	35	35
Subdivisions		
Minimum area per family (net density) (sq. ft.)	120,000	80,000
Minimum lot area (sq. ft.)	20,000	80,000
Maximum lot area (sq. ft.)	60,000	None
Minimum open space outside of individual lots	45% (mostly contiguous)	None
Share of the required open space otherwise "buildable"	One-third	N/A
Minimum lot width	100	200

(frontage) (feet)		
Minimum front yard depth (feet)	20	20
Minimum side yard (feet)	10	10
Minimum rear yard (feet)	10	10
Maximum building height (feet)	35	35

Example: Parcel of 50 acres is about 20% unbuildable (wetlands, etc.). This leaves 40 acres. Dividing by 120,000 square feet per family, the owner can create up to 14 lots. Each lot can be 20,000 to 60,000 square feet. At least 22.5 acres of the parcel (45% x 50 acres) must be reserved as contiguous open space. The 14 lots and the street serving them would be located within the other 27.5 acres.

- Allowable land uses would be similar to the uses presently allowed in the F&A district.
- May want to consider a private street standard for conservation subdivisions – these would be narrower (20 feet – sufficient for emergency vehicles), would not be dedicated to public ownership, and would be maintained by a private homeowners association. The developer could choose to build to the private street or public street standard.

C. For Sectors Designated as Resource Conservation

- Rare or Exceptional Natural Community, as mapped by the Maine Natural Areas Program
- Possibly portion of Newman/Bangor Hills

The suggested approach here is to use the same “new” F&A district as described in B but, within the mapped Natural Community, increase the required open space in mandated cluster subdivisions to 75% to assure good buffers around the important natural resources, habitats, and lands draining to them.

A new single lot would require a minimum of 120,000 square feet (about 3 acres). However, the number of subdivision lots would be quite limited, because hydric soils dominate the Natural Community mapped area. Of the 2,120 acres in the Orono portion of the Natural Community, about 87% is hydric soils. As under the current ordinance, hydric soils and other unbuildable land must be subtracted to arrive at the allowed net residential density.

Example: A 50-acre parcel has 70% of its land in hydric soils or is otherwise unbuildable, leaving a net residential acreage of 15 acres. At one unit per 120,000 net square feet, 5 lots could be created. Each lot can be 30,000 to 60,000 square feet. At least 37.5 acres of the parcel (75% x 50 acres) must be reserved as

contiguous open space. The 5 lots and the street serving them would be located within the other 12.5 acres.

This combination of net residential density and required open space will provide more assured protection to the mapped Natural Communities than the current F&A district does.

D. For Sectors Designated as Mixed Use Residential/Commercial

- Stillwater Corridor

Based on all the comments received from the Committee, and the desire to “customize” the zoning to be friendly to small-scale businesses that can be compatible with the residences that make up most of the current F&A portion of the corridor, several options have been considered:

1. **Adopt C-2 at the intersections** for a certain radius, leave the rest low-density residential
2. **Create a C-3 zone** that is a scaled-back version of C-2, with a somewhat shorter list of allowed commercial uses and with limits on size, and zone the corridor with this new district
3. **Keep the corridor in low-density residential** (same as proposed for Kelley Hill/Forest Ave) **but create an overlay district that straddles Stillwater 500 feet either side of it** (or to the EDZ district on the east) that would allow “low-impact” non-residential uses. “Low-impact” would be defined based less on type of use and more according to size, parking requirements, noise, etc.
4. **Keep the corridor in low-density residential** (same as proposed for Kelley Hill/Forest Ave.), **but add** as an allowable use in the low-density residential district **“low impact” non-residential uses** (this would mean that the Kelley Hill/Forest Ave and Pushaw Lake areas could also have the newly defined “low impact” non-residential uses).

At this point, the Committee is leaning toward option 3 – zone the corridor as low-density residential along with Kelley Hill/Forest Ave., but with an overlay along Stillwater Street that allows “low-impact” non-residential uses. The thinking is that this is primarily a residential area, with opportunity for compatible small scale businesses such as exist in several locations in the corridor.

E. Options for Route 2 Gateway

It is challenging to arrive at an approach for the Route 2 Gateway because:

- It has 3 fairly distinct pieces: the Basin; the rest of the F&A area east of Route 2; and the large area between Route 2 and I-95 south of Kelley Road; and
- The large area west of Route 2 has a significant amount of rural land uses in play, yet public water is available and public sewer is a short distance away.

Let's address each of the 3 pieces separately:

1. The Basin – the Committee tentatively agrees that this should be re-zoned MDR.
2. East of Route 2 – major assets are the golf course, the intermittent vistas across the Penobscot River Valley to the hills to the east, the topography, which tends to slope off toward two drainages to the river, and proximity to the river. Besides the golf course, existing uses are a few single-family homes on large parcels.

An opportunity exists for zoning this area with a scenic overlay district along what is now the F&A portion of Route 2 to a depth of perhaps 300 or 350 feet east of Route 2, and rezoning the underlying land down to the shoreland area in a way that allows clustered development that can take advantage of proximity to both the golf course and the river. The land in the scenic overlay area could be used to calculate density, but not to build on. Any existing lot entirely or mostly within the scenic overlay area would be grandfathered for single-family homes.

3. Between Route 2 and I-95, south of Kelley Road: Our issues statement for this area is: “Area is well positioned to serve either as a rural gateway to Orono with wide open space uses, or as a planned development area – the risk is that it will become something in between.”

Options are: apply the new “true” rural F&A standards to this area (see B above, same as outer Essex/Forest and Newman & Bangor Hills);

OR apply a hybrid MDR-conservation subdivision approach, allowing enough density of development to warrant extension of sewer and streets, but requiring significant open space and continuing to allow rural land uses as a matter of right;

OR simply rezone to MDR, with the 2500-foot (or shorter) dead end limit that can be overcome only through the clustering option (as in the current MDR district). Note: a number of rural land uses are allowed in the MDR district with Planning Board review, but some, including stables, are not allowed.

The Committee needs public input on this matter.

Note: in addition, the Committee has tentatively agreed that a few properties (for example, the Oronoka and the adjacent motel) should be re-zoned as C-2 to reflect their actual uses.

F. Options for Penobscot North

The Committee has reviewed the pros and cons of keeping this area in low-density residential versus re-zoning to C-2 or some other higher density zone. Options are:

1. Keep the entire area in low-density residential – it would be zoned the same as Kelley Hill/Forest Ave and the Pushaw Community.
2. Re-zone part or all of the area as Medium Density Residential (which, with clustering, would allow up to 4 units per net residential acre).
3. Re-zone only the Schneider lot as C-2 to allow an application for student-oriented cluster housing (preserving Piney Knoll), per a petition submitted in August 2007 by the land owner to the Town Council
4. Re-zone the upper part of the current F&A area as C-2, and leave the area closer to the river as low-density residential (this may enable the trading of lands in the area upon mutual agreement of the landowners).

The Committee needs public input on this matter.

TOWN OF ORONO

CONCEPTS FOR RE-ZONING F&A DISTRICT

This is not a zoning map; all lines approximate, for planning purposes.

