

**AGENDA
SCARBOROUGH TOWN COUNCIL
WORKSHOP WEDNESDAY – MARCH 15, 2023
WORKSHOP RE: ZONING MAP – 5:30 P.M.
HYBRID MEETING**

TO VIEW TOWN COUNCIL MEETING & OFFER PUBLIC COMMENT:

https://scarboroughmaine.zoom.us/webinar/register/WN_J2LzS-weRG-0IIXxxMNCnw

TO VIEW TOWN COUNCIL MEETING ONLY:

<https://www.youtube.com/channel/UCD5Y8CFy5HpXMftV3xX73aw>

- Item 1.** Call to Order.
- Item 2.** Those Present.
- Item 3.** Presentation and Discussion on the Zoning Map.
- Item 4.** Adjournment.




Zoning Map Amendments

March 15, 2023



Review Period 2002-Current

- ▶ 52 Zoning Cases
- ▶ Eight identified issues
 - ▶ Three ok after further review
 - ▶ Two Missed
 - ▶ Two boundary lines
 - ▶ One changed already (Highland Avenue)



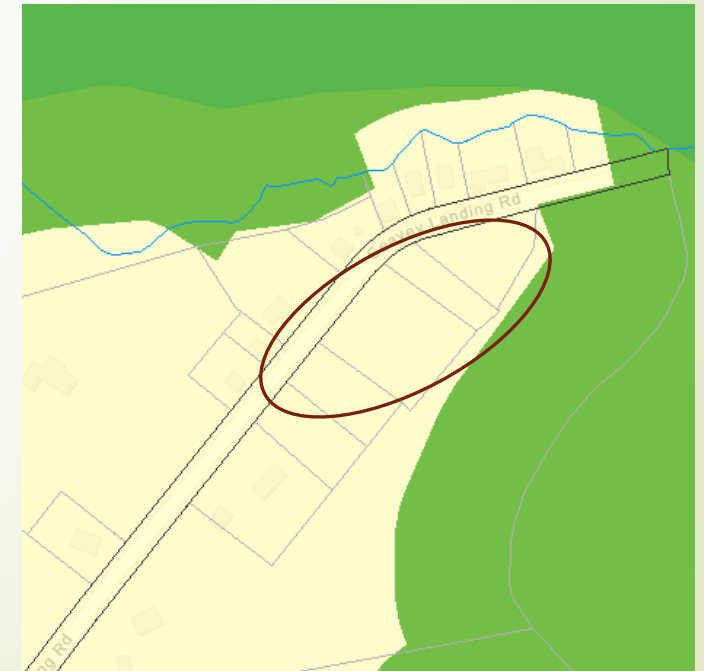
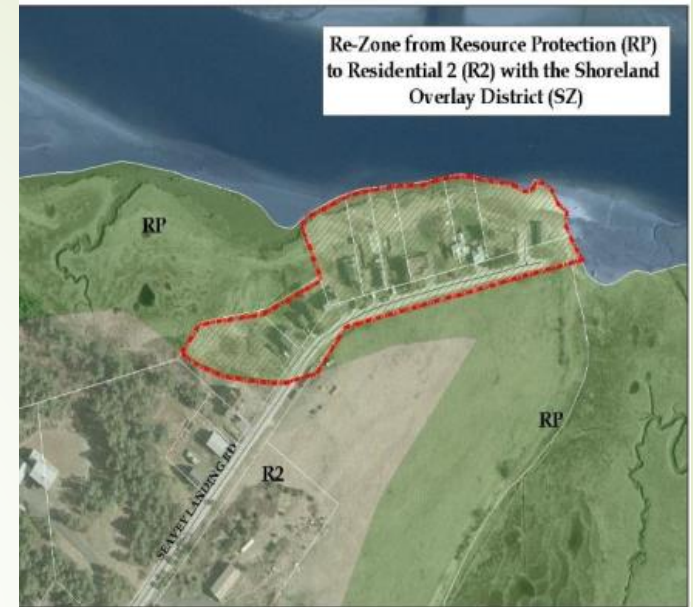
1.05-121

Multiple Resource Protection Areas

- ▶ Initiated by Conservation Commission in 2005
- ▶ Multiple zoning changes from Resource Protection (RP)
 - ▶ 1. Harmon's Island (4 lots) at Higgins Beach from RP to RF with Shoreland Overlay
 - ▶ 2. Black Point Rd and Winnocks Neck Road from RP to R2 with Shoreland Overlay
 - ▶ 3. Pine Point Road – Nursing Home from RP to R4 and Map R64, Lot 3 from RP to RF with Shoreland Overlay
 - ▶ 4. Ocean View and Seavey Landing – from RP to R2 with Shoreland Overlay
 - ▶ 5. Jones Creek – RF and PR to RP with Stream Protection Overlay

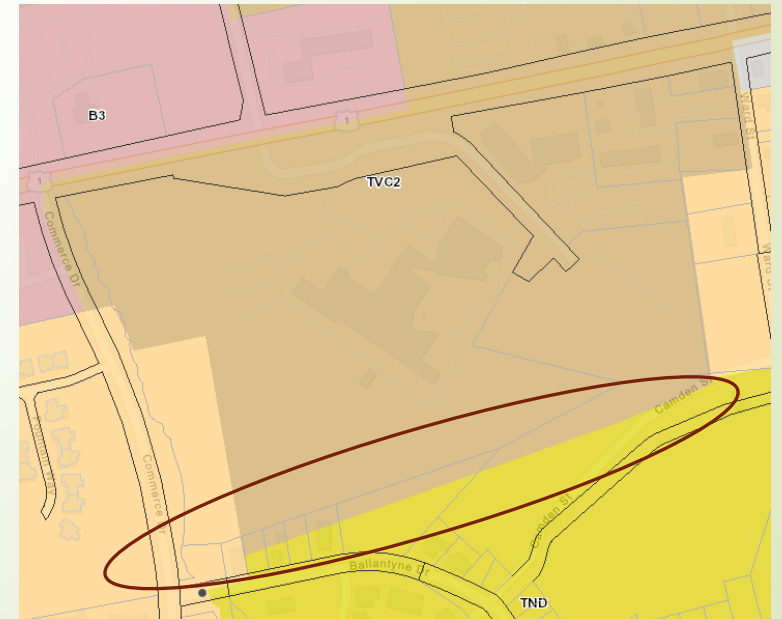
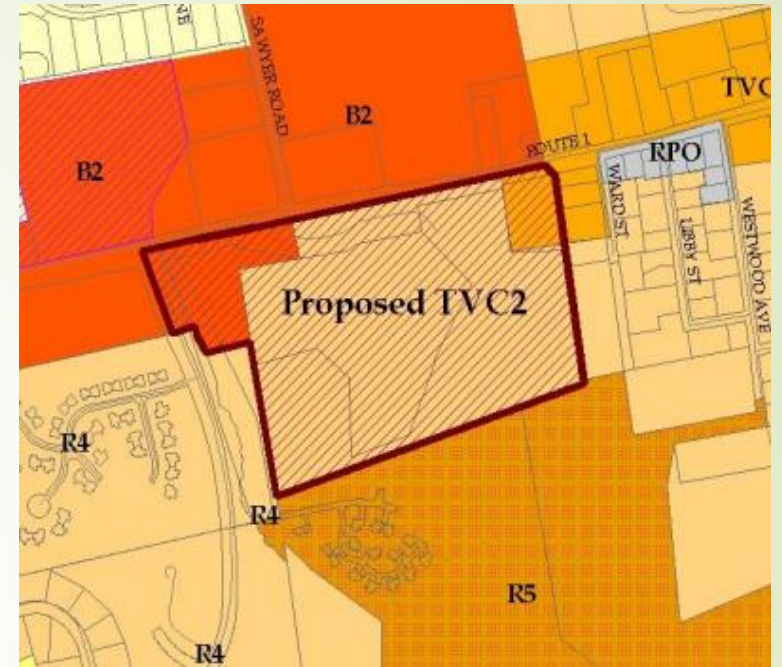
1.05-121 Seavey Landing Rd

- After further review – no map change needed
- Rezone 8 lots at the end of Seavey Landing Road from RP to R2
- RP zone change in 2007 – No issues



2. 06-33 – Proposed TVC-2 District

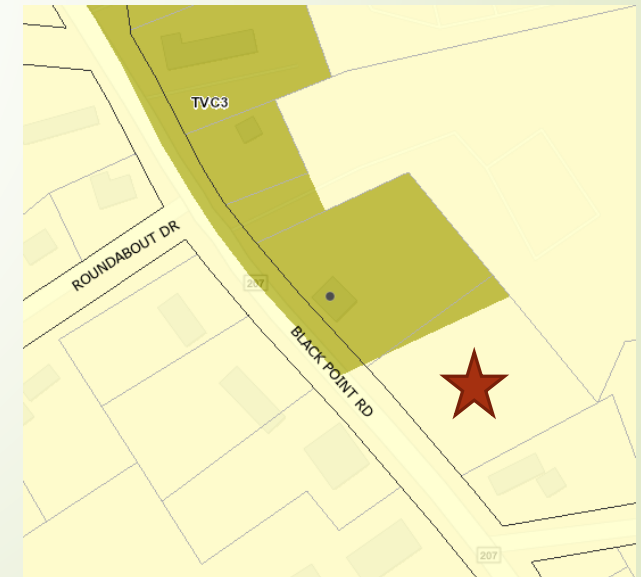
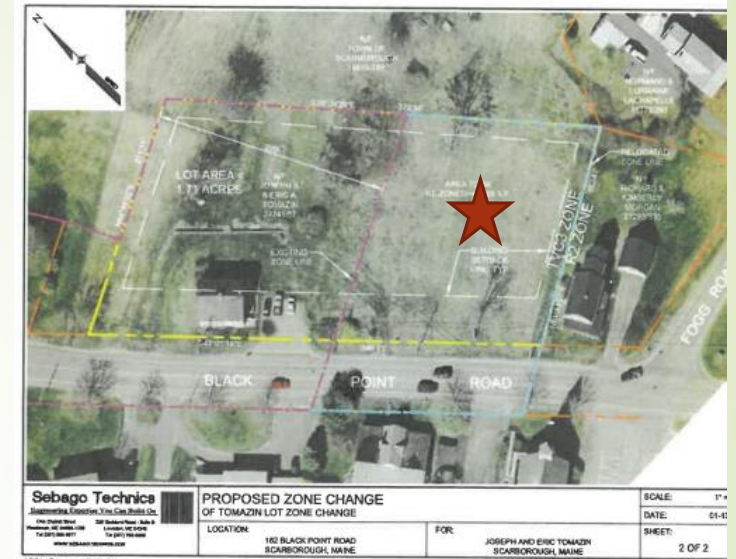
- Boundary Line Issue
- Town Council created TVC2 District and Map
- Maine Veterans Home Site
- The zoning map reflects the change – it just does not match the parcel lines
- Options – leave as is or clean up to address parcel lines



3. 12-48

Portion of 162 Black Point Rd from R-2 to TVC3

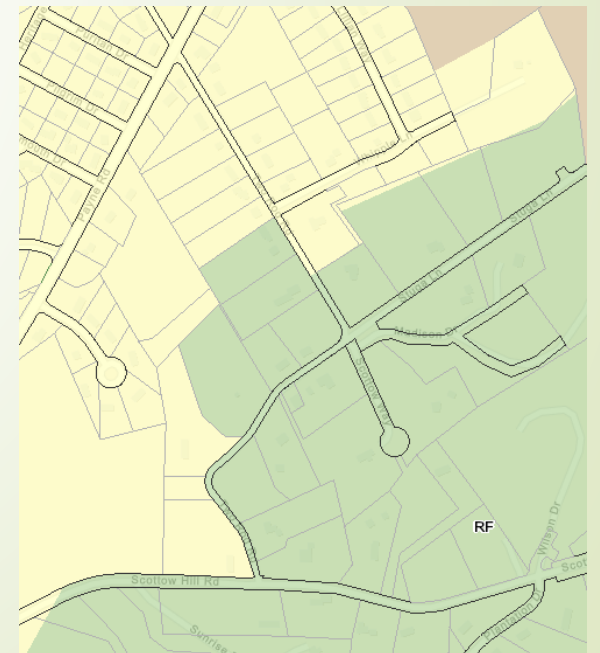
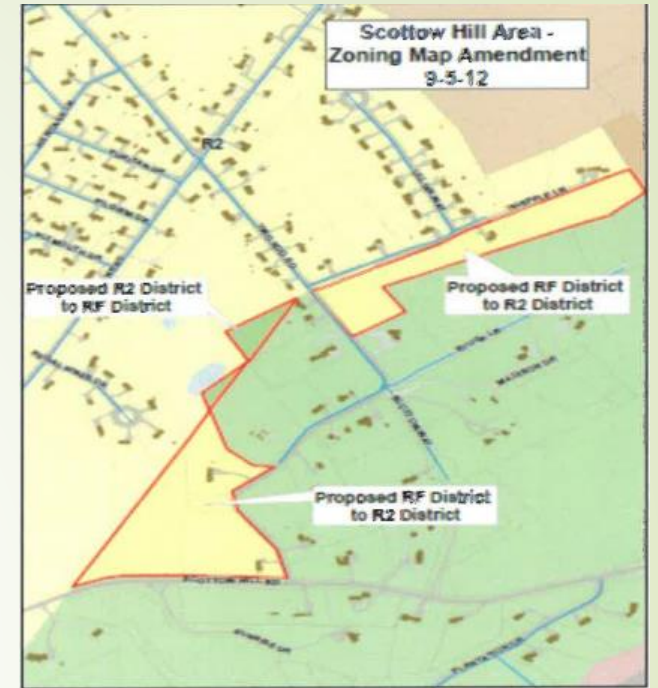
- Missed
- Owner Initiated
- Town rezoned 162 Black Point Rd from R-2 to TVC3
- Owner proposed build a second single family home on the site
- Request went through LRPC
- House was built 2013 (164 Black Point Rd)
- Options – Amend map to reflect approved change



4. 12-78

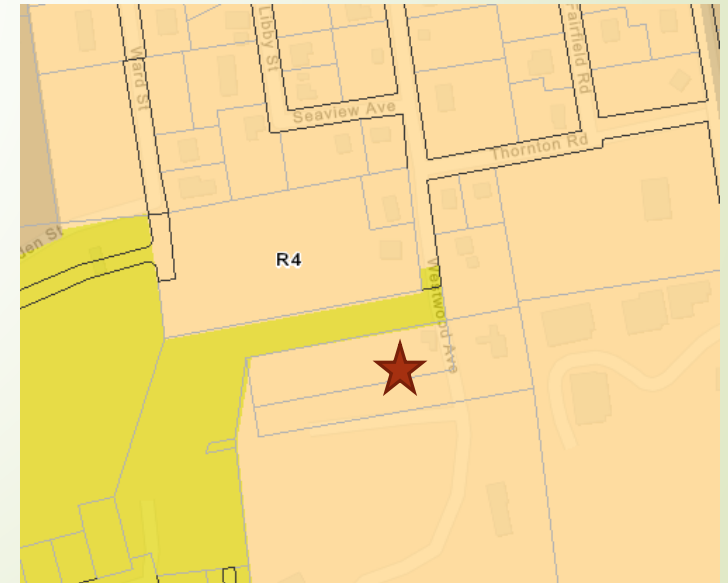
Scottow Hill Rd & Whipple Lane from RF to R-2

- After further review – it appears as correct
- Owner of 17 Whipple lane initiated
- Reviewed by LRPC
- Two different maps in the packet
- Motion was amended to zone Lot 2 Map R50 to RF and rezone 2, 6, and 8 Two Rod to R2



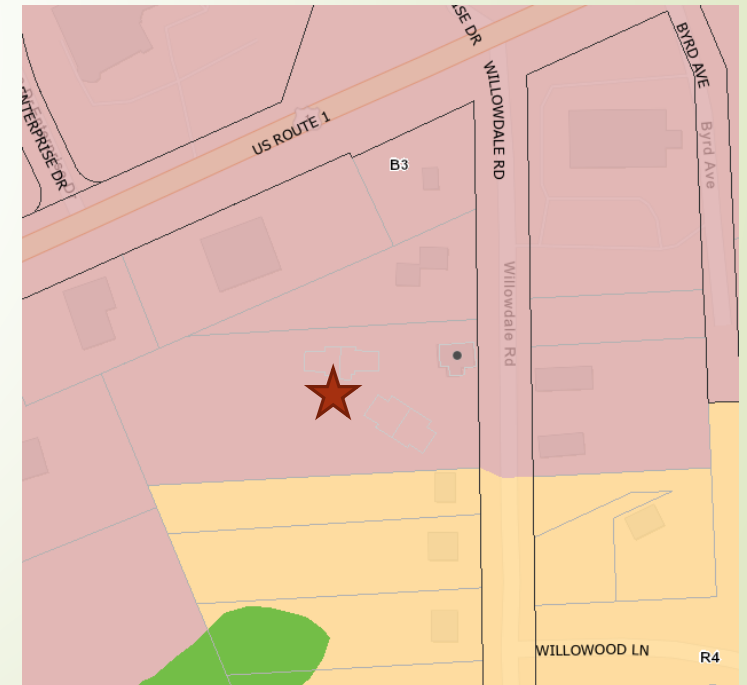
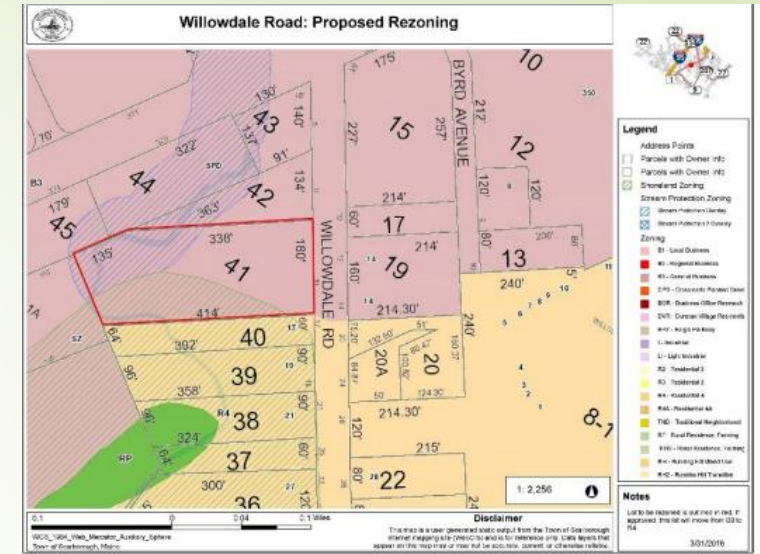
5. 14-09 38 Westwood Avenue from R-2 to TND

- After further review appears correct
- Owner Initiated
- R-2 to TND
- TND actually says map change not required
- Options: Leave as is or change to reflect TND zoning and address TND ordinance



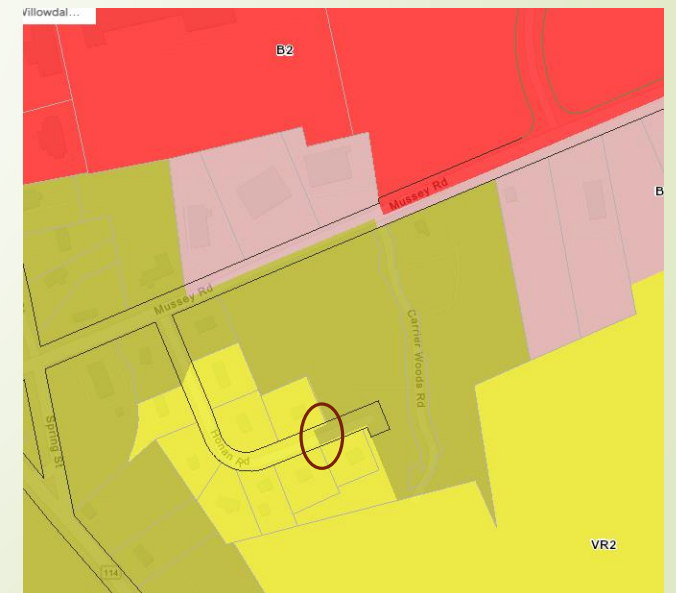
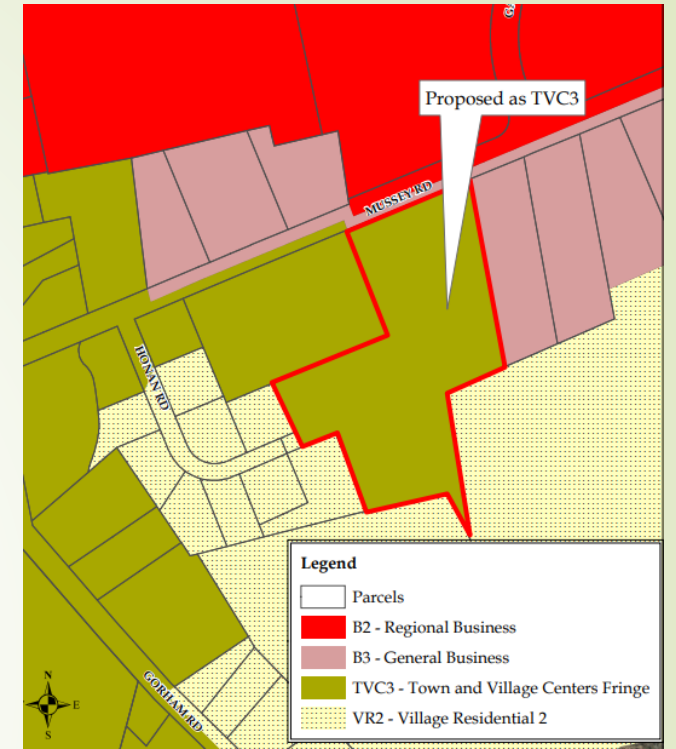
6. 16-02311 Willowdale RD from B3 to R4

- Missed
- Owner Initiated through SEDCO
- 1,366 sq. ft single family home used as office
- Owner desired to build duplexes on lot – built in 2019
- Options – Amend map to reflect approved change



7. 16-067 79 Mussey Rd from B3 & VR-2 to TVC-3

- Parcel Boundary
- Owner Initiated
- Property included B-3 and VR-2 zoning
- Intention to build 72 unit apartments
- Carrier Woods
- Small piece of ROW included
- Options – Amend map to match approval or leave as is





Zoning Map Amendments - Highlights

- Proposal to codify process for updating and amending the Official Zoning Map and how it is amended
- Centralized processing - Planning Department processes applications when required
- GIS will create all map exhibits for review
- Town Council approves/denies all zoning changes
- Town's GIS Department update the zoning map
- Town Clerk Attests to the accuracy of the map changes
- PDF online and paper copies in Town Clerks office & Planning and Codes Department
- Added resolution option for a new map



Next Steps

- ▶ Possible Resolution adopting the zoning map and any public notice required
- ▶ Review and Adopt Chapter 405 updates
- ▶ Once map updates and Chapter 405 ordinance language is approved:
 - ▶ Create an exhibit for existing and proposed zoning to be included in the historic files (NO GIS changes)
 - ▶ Add links to all approval documents in GIS as backup
 - ▶ Upon approval amend the maps in question in GIS
 - ▶ Town Clerk will attest and sign – GIS will print paper copy for Town Clerks office and save PDF as the official zoning map on the website
 - ▶ Update fee schedule for \$30 for 24x36 map available for purchase in Planning Department
 - ▶ Create zoning change application for future requests
 - ▶ Prepare amendment to the Chapter 405C Shoreland Zoning Ordinance to match

RESOLUTION 23-001

ACT TO IMPLEMENT A PROCESS FOR THE ZONING MAP

BE IT RESOLVED, by the Council of the Town of Scarborough, Maine in Town Council assembled that,

WHEREAS, the Town of Scarborough is required to adopt a Zoning Map under 30-A M.R.S.A. § 4352(3) and Section II(C) of the Zoning Ordinance; and,

WHEREAS, under Section II(C) of the Ordinance, the Zoning Map is the document entitled “Town of Scarborough Maine GIS Zoning Map,” as such may be amended from time to time, and which shall be maintained in digital electronic form in the Town’s geographic information system database and in printed form in the office of the Town Clerk; and

WHEREAS, under both state law and the Ordinance only the Town Council has the authority to adopt or amend the Zoning Map; and,

WHEREAS, while the Zoning Map currently exists in digital electronic form it has does not maintain an official printed copy; and

WHEREAS, Town staff recently become aware of an inconsistency with the Zoning Map as it did not properly reflect a zone change enacted by the Council; and

WHEREAS, upon further investigation and review of the Council’s official meeting minutes since 2002, Town staff discovered additional inconsistencies where the Zoning Map does not reflect prior zoning map amendments enacted by the Council and identified those areas that need to be corrected; and

WHEREAS, the Zoning Map must accurately reflect the Town Council’s actions; and

NOW, THEREFORE, BE IT RESOLVED, that the Scarborough Town Council does ratify and accept those zoning map corrections as presented to the Council on this date that must be made to the Zoning Map to reflect the Council’s prior votes, and authorizes the Town Manager to correct the map to reflect those changes and to file a printed copy with the Town Clerk for attestation.

Signed and sealed this 5th day of April 2023, on behalf of the Scarborough Town Council of Scarborough, Maine.

Signed by: Jonathan E. Anderson
Council Chair

Attested by: Yolande P. Justice
Town Clerk