

IMPLEMENTING A BOLD COMPREHENSIVE PLAN

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Chair Duvall and members of the board, thank you for giving me the opportunity to testify briefly on the zoning updates before you. It was a pleasure to advise the City of Auburn during its comprehensive planning process and even more so to see the city moving quickly to turn that vision into reality. The city staff deserve thanks for putting in a tremendous amount of work throughout this process.

COURT STREET TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT

In a national context, the rezoning of Auburn's core neighborhoods is the most momentous single step that the city will take. Reformers across the political spectrum have advocated, mostly in vain, for cities to loosen the 20th-century restrictions that were intended to prevent affordable homes from mixing with affluent ones.

But in a local context, the zoning change is likely to cause only a gentle ripple. New subdivisions at the edge of the zone might take advantage of the permissive zoning to mix and match different kinds of housing. It will be simpler for owners to build on nonconforming lots or to split large, awkwardly shaped lots. A few neighborhood businesses might pop up. The experience of Palisades Park, New Jersey, shows that gradual infill development can boost land values, increase diversity, and lower taxes.¹

WASHINGTON STREET GATEWAY DISTRICT

It is no secret that central Auburn's southern approach is ugly. Ameliorating it will require substantial roadway investments, including a complete reimagining of the rotary around Roy's Hamburgers. Zoning can be part of that transformation, but the city should be realistic about the speed of redevelopment and should not expect builders to locate urban-style structures along highways. Different parts of this district may also merit distinct regulatory approaches.

With respect to zoning, the proposed Commercial Form-Based Code Gateway Development District—W ought to differ from Downtown Traditional Center (T-5.1) on some important particulars. In areas without good existing walking infrastructure, the new district should allow much wider setbacks and single-story buildings. And it should not have a special permit requirement for land uses appropriate along highways, such as industrial and automotive business.

1. Edward Pinto, Tobias Peter, and Emily Hamilton, *Light Touch Density: A Series of Policy Briefs on Zoning, Land Use, and a Solution to Help Alleviate the Nation's Housing Shortage* (Washington, DC: American Enterprise Institute, 2022), 49-59.

The old General Business district includes a section along Mill St. in New Auburn. This area is occupied by detached homes, apartments, and a few businesses. I do not know the history of this particular district, but it fits a pattern in zoning's sordid history: allowing uses in poor neighborhoods that would not be welcome in affluent ones.² In keeping with Auburn's rejection of classist zoning, I recommend splitting this section off from the General Business district and reassigning its residential lots to the Traditional Neighborhood Development District (T-4.2) or a similar zone.

CONCLUSION

In 1931, Auburn became the third place in Maine to adopt zoning;³ in 2022 it can become the first in the state to revolutionize zoning.

It is hard to overstate the importance of Auburn and a small handful of peer cities, which are showing that the zoning norms that built up over the course of the 20th century are not set in stone.

2. Jon C. Dubin, "From Junkyards to Gentrification: Explicating a Right to Protective Zoning in Low-Income Communities of Color," *Minnesota Law Review* 77 (1993): 739-802.

3. Orren Chalmer Hormell and Roy Hamilton Owsley, *Zoning Manual for Maine Towns* (Brunswick, ME: Bowdoin College, 1940), 11.