

Sec. 19- Contract Zoning Draft Outline as developed by the CDC, July 20, 2016

- A. Authority** - Pursuant to 30-A M.R.S.A., Section 4352, contract zoning is hereby authorized for rezoning of property by the Town Council.
- B. Purpose.** On occasion, general zoning district designations and traditional zoning methods can be inadequate to fully deal with the unusual nature or unique location of specific proposals for development. In these special situations, more flexible and adaptable zoning methods are needed to permit desirable projects.
- C. Applicability** –development in RA, RB, RC and RD districts eligible
- D. Relationship to other provisions.**
1. **Relationship to Ordinance in General** – standard language
 2. **Shoreland Zoning** - any changes require DEP review and approval (state law)
- E. Findings general. Council should make prior to adoption.**
1. Compliance with the adopted Comprehensive Plan;
 2. Use consistent with the existing and permitted uses within the original zoning district;
 3. Contract includes only conditions and restrictions that relate to the physical development or operation of the property; and
 4. Public benefit exists that would not exist under the current zoning.
- F. Contract Agreement Required.** – In order to allow for flexibility for the development of the land, to assure public benefit, and to mitigate potential negative impacts on subject, abutting, and nearby properties, a contract agreement is required. Within this agreement relaxation of standards in the Code of Ordinances may be permitted provided Section E. Findings general are met. Conditions placed on the development may also be restrictive than those in the Code of Ordinances. Conditions and restrictions shall relate only to the physical development and operation of the property and, though not limited to, may include, by way of example:
1. Articulate all variations from standards for the zoning district in which the parcel is located.
 2. List any and all conditions or restrictions on the project, by way of example:
 - a. Identify open space, historic or natural resources and natural buffer zones to be protected.
 - b. Limitations on the number and types of uses permitted
 - c. Specifications for the design and layout of buildings and the site
 - d. Restrictions on the scale and density of development
 - e. Restrictions on the days and hours of operation.
 - f. Specifications for the design and layout of buildings or other improvements, including landscaping.
 3. Provisions for reservation or dedication of land for public purposes.
 4. Contributions toward the provision of municipal services required by the development, including, for example, infrastructure improvements such as roads and sewers, and specialized maintenance needs arising from the rezoning.
 5. Schedules for commencement and completion of construction and any phasing plan.
 6. Performance guarantees securing completion and maintenance of improvements, including landscaping, and guarantees against defects.
 7. Provisions for enforcement and remedies for breach of any conditions or restrictions.
- G. Procedures, Conceptual Review.**
1. Application Submittal – Applicant shall submit their request for contract zoning on an application form provided by the Community Development Department and be

accompanied by a fee as approved by the Town Council. The application shall contain the items

2. Application Fee - \$250 [Amend Land Use Fee Schedule]
3. Application review for completeness - The Community Development Director or their designee shall determine whether or not the application is complete within seven days of the submittal.
4. Concept review - Once the application is considered complete, the Community Development Committee (CDC) will review the proposal and determine if the general findings under paragraph F. above have been met. Upon a determination by the CDC that the findings have been met, the applicant is eligible to file a formal application.

H. Procedures, Formal Review.

1. Application Submittal -Applicant shall submit an application to the Community Development Department meeting the minimum requirements in paragraph I below, together with a fee as approved by the Town Council. The deadline for filing shall be new application deadline for the Planning Board
2. Application Fee - \$500 [amend Land Use Fee Schedule to include this fee]
3. Application review for completeness - The Community Development Director or their designee shall determine whether or not the application is complete within seven days of the submittal. Upon a determination that the application is complete, the review process moves forward. If the application is not complete, the applicant may file to meet the next deadline.
4. Formal submission to the Planning Board - with a deadline schedule as imposed, the Planning Board will be able to do their initial review prior to the first Council meeting. This will provide the Council with any input or recommendations from the Planning Board prior to finalizing the contract. This review will also serve as the pre-application sketch review required for subdivisions.
5. Formal submission to the Council - presentation by the developer, Council reviews Planning Board input, reviews contract. If necessary, the CDC will introduce the item. We are getting an opinion from Town Attorney regarding zoning amendments that require applications and whether or not they are required to have an introduction. If the Council feels the contract is ready for an MRA hearing, will forward to the PB to hold one.
6. Council Hearing - Charter requires the Council to hold a hearing. The Council could request a joint hearing with the Planning Board.
7. MRA Hearing (Planning Board) The final contract provisions must be available upon notice of this hearing. It is recommended that the Council refer the final draft of the contract to the PB for the hearing when ready to avoid the need for multiple hearings.
8. Final consideration by Council (ordinance adoption)
9. Modifications and amendments - Need to determine what modifications or amendments could occur administratively and what would be required to go through the same adoption process. Example, extension on completion date.

I. Submission Requirements.

1. Concept submittal-basic information about the existing property and conceptual improvements requested (similar to what Princeton and Avesta submitted to the Council) must address the findings under E. application to be submitted in a format as determined by the Community Development Department.
 - a. Map showing property to be rezoned with current zoning, as well as current zoning and uses within 500 feet.
 - b. Address of property and Map-Lot
 - c. Right title interest
 - d. Contact information of applicant, including email

- e. Comprehensive Plan compliance statement with explanation
- f. Statement of benefit to the Town that would not result under current zoning
- g. Compliance with existing and permitted uses of underlying district.
- h. List of variations from existing zoning requested.
- i. Need for utility extensions

2. Formal submittal

- a. General Information – on application
- b. Names and addresses of the record owner and the applicant,
- c. Names and addresses of all consultants working on the project;
- d. Evidence of right, title, or interest in the property, and,
- e. Existing conditions plan of the parcel at a scale of not more than one hundred (100) feet to the inch
 1. Name of the property owner, north arrow, date, and scale;
 2. Map-block-lot and street address
 3. Metes and bounds of the parcel;
 4. Relationship of the site to the surrounding area (including distance to closest street intersection);
 5. Topography of the site at an appropriate contour interval depending on the nature of the use and character of the site with steep slopes highlighted.
 6. Location and size of existing utilities and stormwater improvements
 7. Existing buildings, structures, or other improvements
 8. Existing restrictions or easements
 9. The location and delineation of water features whether natural or manmade, including ponds, streams, rivers, wetlands, vernal pools and their upland habitats, ditches, drains, and natural drainage swales, as well as the 100-year floodplain.
 10. Watershed boundaries.
 11. Indication if the parcel or portions thereof are located within the urbanized area as defined by federal census bureau. [NOTE: in the urbanized area, may be subject to increased stormwater permitting requirements]
 12. A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands.
 13. Locations of all historically significant sites or structures on the tract, including but not limited to cellar holes, stone walls, earthworks, and graves.
 14. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
 15. Total acreage of the tract
 16. Net Residential Area for residential development
- f. Proposed Development Sketch Plan - A plan at the same scale as the existing conditions plan, highlighting the opportunities and constraints of the site. This plan, in a number and format as determined by the Planning Department, should indicate:
 1. Prime portions of the site that are suitable for development or use;
 2. Portions of the site that are suitable for on-site sewage disposal if public sewerage is not available;
 3. Areas of the site that have development limitations (steep slope, flat, soil constraints, wetlands, flood plains, drainage, etc.) which must be addressed in the development plan;
 4. Suitable access points and routes for roads and utilities;

5. Areas where there may be off-site conflicts or concerns (i.e., noise, lighting, traffic, etc.)
 - g. Proposals that will trigger a MDOT Traffic Movement Permit must submit a traffic impact study.
 - h. Documentation
 1. Statement of proposed use of the property
 2. List of specific zoning changes requested.
 3. List of conditions and restrictions proposed
 4. Site analysis describing major features of the property
 5. Statement of consistency with the Comprehensive plan
 6. Statement of consistency with the underlying district uses items.
 7. Statement of benefit to the Town that would not result under current zoning
- J. Consulting and review fees** – the Council may require any and all consulting and review fees to be paid by the applicant and may require funds to be placed in escrow prior to their hearing.
- K. Notice requirements.**
- a. Council Hearing – shall meet the requirements of the Town Charter, Sec. 213. Charter does not require the same detail of information or abutters to be notified. Council can use the more restrictive notice requirements of the MRA hearing.
 - b. Planning Board Hearing – shall meet the requirements of MRS 30-A Sec. 4352 8.