

To: Applicants for Contract Zoning
From: Planning Office
Re: Process and Procedures for Contract Zone Application

Dear Contract Zoning Applicant:

The Planning Office wants to ensure that the review process with both staff and the Planning Board is efficient, timely and productive. Our goal is that every application on a Board agenda has been thoroughly reviewed by City staff and revised as needed prior to being reviewed by the Board.

The typical review process is as follows:

- Submission date: Three weeks prior to the Board meeting at which you hope to appear. Board meetings are on the 1nd and 3th Tuesdays of each month.
- Staff Review: Commences upon submission of application, completion within two weeks of submission.
- Planning Board Review: Scheduled upon completion of staff review. The Board's role is to make a recommendation to the City Council. This recommendation, whether positive or otherwise, is forwarded to the City Administrator's office, which will schedule the application for City Council review.
- City Council Review: Will begin with an informal workshop meeting. Three more meetings will occur, including the First Reading, a Public Hearing, and a Second and Final Reading. This is generally a six to eight week process.

Upon receipt of an application for contract zoning and payment of the deposit and fee as outlined in the City's Cost Recovery Ordinance, the City will provide notice to the owners of property abutting the subject property. Notice will be provided to the general public and to abutters prior to the public hearings before both the Planning Board and City Council at least seven days prior to the public hearings.

While not required, the City of Saco strongly recommends that contract zoning applicants hold a neighborhood meeting to discuss the proposal, and that the applicant thereafter provide evidence of such meeting to the City Planning Department. To be most useful, the neighborhood meeting should precede the applicant's appearance before the Planning Board.

The Zoning Ordinance's regulation of contract zoning is found in Article 14, Section 1403, and follows here:

Section 1403. Contract Zoning

1403-1. PURPOSE

Occasionally, competing and incompatible land uses conflict; and traditional zoning methods and procedures such as variances, conditional use permits, and alterations to the zone boundaries are inadequate to promote desirable growth. In these special situations, more flexible and adaptable zoning methods are needed to permit differing land uses in both developed and undeveloped areas, and at the same time recognize the effects of change. In consideration of a change in zoning classification for a particular property or group of properties, it may be determined that public necessity, convenience, or the general welfare require that provisions be made to impose certain limitations or restrictions on the use or development of the property. Such conditions are deemed necessary to protect the best interests of the property owner, the surrounding property owners and the neighborhood, all other property owners and citizens of the City, and to secure appropriate development consistent with the City's Comprehensive Plan.

1403-2. AUTHORIZATION

Pursuant to 30A M.R.S.A. § 4352 (8), contract zoning is hereby authorized for rezoning of property where, for reasons such as the unusual nature or the unique location of the property, the City Council finds its necessary or appropriate to impose, by agreement with the property owner, certain conditions or restrictions in order to ensure that the rezoning is consistent with the city's Comprehensive Plan. Contract zoning shall be limited to property for which a rezoning is requested by the owner or other person with sufficient right, title and interest. Nothing in this section shall be interpreted to permit an amendment that is not consistent with the Comprehensive Plan. Areas rezoned under this provision shall be consistent with, but not limited to, the existing and permitted (whether permitted or conditional) uses within the original zones. Contract zoning is permitted in all zones except RP. By "contract zoning" this section means both contract and conditional zoning as enabled in 30A M.R.S.A. § 4352 (8). (Amended 6/3/02)

1403-3. APPLICATION CONTENTS

A request for a contract rezoning shall include a written petition to the Planning Board requesting a rezoning, including the following:

- A. Evidence of right, title or interest in the property;
- B. A plot plan showing the boundaries of the parcel and its dimensions, as well as the existing and proposed buildings and structures;
- C. A plan showing the location of existing streets and driveways within two hundred (200) feet of the property;
- D. A detailed statement of the proposed use of the property and the precise zoning change requested;

- E. A statement explaining how it is consistent with the Comprehensive Plan and permitted and existing uses within the original zone;
- F. A description of the property's unusual nature or unique location;
- G. A statement setting forth the conditions or restrictions that the applicant proposes. The Planning Board may propose additional conditions or restrictions.

1403-4. HEARING AND NOTICE

- A. The Planning Board shall conduct a public hearing before forwarding its recommendation to the City Council under this provision.
- B. Notice of the hearing shall be posted in City Hall at least fourteen (14) days before the public hearing.
- C. Notice shall also be published twice in a newspaper of general circulation, the date of first publication to be at least seven (7) days before the hearing.
- D. Public hearing notices shall be mailed to the owner of the property to be rezoned and all abutters to that property. Property owners in the Conservation District, any industrial district, the Resource Protection District, or the R-1, R-2, and R-4 districts, shall be notified by mail if their property is within six hundred (600) feet of the applicant's property. Property owners in the R-3 District, or any business district, shall be notified by mail when the applicant's property is located within two hundred (200) feet. This notice shall be sent out at least seven (7) days prior to the public hearing. This notice must contain a copy of the proposed conditions and restrictions with a map indicating the property to be rezoned.
- E. Failure of any property owner to receive a notice shall not necessitate another hearing or invalidate any action by the Planning Board or City Council.

1403-5. CONDITIONS AND RESTRICTIONS

Conditions and restrictions imposed under this section shall relate only to the physical development and operation of the property and may include, by way of example:

- A. limitations on the number and types of uses permitted;
- B. conditions on the scale and density of development, including the height, lot coverage and other space and bulk provisions;
- C. specifications for the design and layout of buildings and other improvements;
- D. schedules for commencement and completion of construction;
- E. performance guarantees securing completion and maintenance of improvements, and guarantees against defects;
- F. preservation of open space and buffers, and protection of natural areas and historic sites;
- G. provision of municipal services required by the development;

- H. provisions for enforcement and remedies for breach of any condition or restriction, including the timing of the effective date of the change and its repeal should conditions not be met;
- I. the dedication or conveyance of property for public purposes, including but not limited to, streets, easements, parks and utility systems.

1403-6. RECOMMENDATION

Before forwarding a recommendation a contract zoning amendment to the City Council the Planning Board shall make a finding on each of the four standards in this subsection. A favorable recommendation to the Council requires a positive finding on all four standards. If the Planning Board makes a negative finding on any of the standards, its recommendation shall be negative. The Planning Board shall base its recommendation on whether the rezoning:

- A. is for land with an unusual nature or location;
- B. is consistent with the Comprehensive Plan;
- C. is consistent with, but not limited to, the existing uses and permitted uses within the original zone; and
- D. that the conditions proposed are sufficient to meet the intent of this section.
(Amended 12-20-93)

1403-7. FINAL ACTION

Before amending the zoning ordinance for contract zoning, the City Council shall adopt the Planning Board's findings or other findings indicating that the rezoning is consistent with all four standards of 1403-6. (Amended 12-20-93)

1403-8. STATUS OF AMENDMENTS

Amendments to the zoning map and ordinance made under this section may be amended or repealed by the City Council.

1403-9. OTHER PERMITS

All applications for contract zoning are subject to site plan review. An applicant may seek other permits at the same time as he or she is seeking the contract zoning as if the contract zoning were already in effect, or may seek them after the City Council has approved the zoning amendment. If the applicant seeks approval before final Council action on the amendment, the Planning Board shall make its approval of these other permits contingent on the City Council's approval of the contract zoning amendment.
(Amended 12-7-92)