**MEMO**

To: Dave Cota, Town Manager and Chris Parks, CEO

From: Mark Green, Workforce Housing Coalition

Subject: Proposed Contract Zoning Ordinance

Date: 1/1/23

Included with this memo is a proposed contract zoning ordinance which is taken almost totally from one adopted by the Town of Dayton. I did incorporate a few small sections from other ordinances where I felt it was needed. I reviewed the information Chris provided to me when he researched the issue and looked at contract zoning ordinances that are currently in place in Standish, Sanford, Portland, Castine, and Saco. All are similar so I choose the Dayton example because it is a relatively small Town (2100), it was simple, straight forward and I thought well done. It also gives the authority to approve the contract zone to the Select Board which is unusual for a small Town but does make a fairly arduous process a little simpler.

Obviously, what I have provided to you needs a thorough review by both of you and an attorney, but I hope it can be a starting point for the Town of Carrabassett Valley. As mentioned, when we met recently, I am hoping that CV will be willing to take the lead on adopting a contract zoning provision that can serve as a model for other neighboring communities.

Following is a summary, in a bullet format of the proposal along with things I learned as I did my research.

Things I learned

* Contract zoning is typically a separate section of a municipality’s zoning ordinance that is “free standing”. If a contract zone is approved, the applicant would still need to go through the planning review process to get approval for their development. The only difference is that an approved “contract’ between the developer and the municipality would outline the unique requirements this development must comply with. The approved contract then typically is attached to the zoning ordinance as an appendix.
* According to State law a contract zone must meet the following three criteria:
  + It must be consistent with the municipality’s growth management plan (comprehensive plan).
  + Establish rezoned areas that are consistent with the existing and permitted uses in the original zone.
  + Only include conditions and restrictions that relate to the physical development or operation of the property.

Summary of Proposal

* Areas conditionally zoned under this proposed ordinance must be consistent with, the existing and permitted uses within the original zone of the affected property. In other words, you could not use contract zoning to permit a use that was inconsistent with the original zone.
* Process:
  + The applicant submits an application to the Planning Board which includes a concept plan; a proposed contract, an explanation of the zoning changes requested, and other information to help the Planning Board determine if the request complies with the ordinance.
  + The Planning Board must conduct a public hearing with appropriate notice including notifying all abutters and providing them with copies of the proposed conditions and restrictions.
  + During the review the Planning Board is given some discretion regarding the conditions and restrictions they may impose on the property but they can only include conditions and restrictions that relate to the physical development or operation of the property.
  + The Planning Board must make a recommendation to the Select Board that the proposal meets the four standards listed below. A favorable recommendation to the Select Board 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 a negative recommendation. The Planning Board shall base its recommendation on whether the rezoning:
    - Is for land with an unusual nature or location
    - Is consistent with the Town's growth management program and comprehensive plan.
    - Is consistent with, but not limited to, the existing uses and permitted uses within the original zone.
    - The conditions proposed are sufficient to meet the intent of this section.
* After public hearing the Select Board may approve a positive recommendation of the Planning Board. As written, they may not override a negative recommendation of the Planning Board or modify the proposal. CV could give the Select Board this authority and they could also chose to send the proposal to the Town Meeting for approval. Dayton is the only “Town Meeting” community that I found that gave the Select Board authority to approve a contract zone. In the larger communities where the Town/City Council is also the Legislative body the Council approves the contract zone.

I hope this is helpful. Please let me know if you have questions.