

PROPOSED AMENDMENTS
TO CHAPTER 402 GRAY ZONING ORDINANCE
To Allow Conditional or Contract Zoning

Note: New language is indicated by underline text. Deleted text is indicated by ~~strikethrough~~ text.

Section 1. Amend Section 402.9 by adding a new Section 402.9.9 for conditional or contract rezoning.

402.9.9 Conditional or Contract Zoning

Pursuant to 30-A M.R.S.A. § 4352.8 conditional or contract zoning is hereby authorized where, for reasons such as the unusual nature or unique location of the development proposed, the City Council finds it necessary or appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions not generally applicable to other properties similarly zoned. All rezoning under this section shall establish rezoned areas which are consistent with the existing and permitted uses within the original zones. Nothing in this section shall authorize a rezoning, or an agreement to change or retain a zone, which is inconsistent with the city's comprehensive plan.

- A. The Planning Board shall conduct a public hearing prior to any property being rezoned under this section. Notice of this hearing shall be posted in the city clerk's office at least thirteen (13) days prior to the public hearing and shall be published in a newspaper of general circulation within the city at least two (2) times, the date of the first publication must be at least twelve (12) days prior to the hearing and the second notice at least seven (7) days prior to the hearing. Notice shall also be sent to the owners of all property abutting the property to be rezoned at their last-known address. This notice shall contain a copy of the proposed conditions and restrictions, with a map indicating the property to be rezoned.
- B. Conditions and restrictions imposed under the authority of this section shall relate only to the physical development and operation of the property and may include, by way of example:
1. Limitations on the number and types of permitted uses;
 2. Restrictions on the scale and density of development;
 3. Specifications for the design and layout of building and other improvements;
 4. Schedules for commencement and completion of construction;
 5. Performance guarantees securing completion and maintenance of improvements, and guarantees against defects;
 6. Preservation of open space and buffers, and protection of natural areas and historic sites;

7. Contributions toward the provision of municipal services required by the development; and,
8. Provisions for enforcement and remedies for breach of any condition restriction.