



Brunswick, Maine

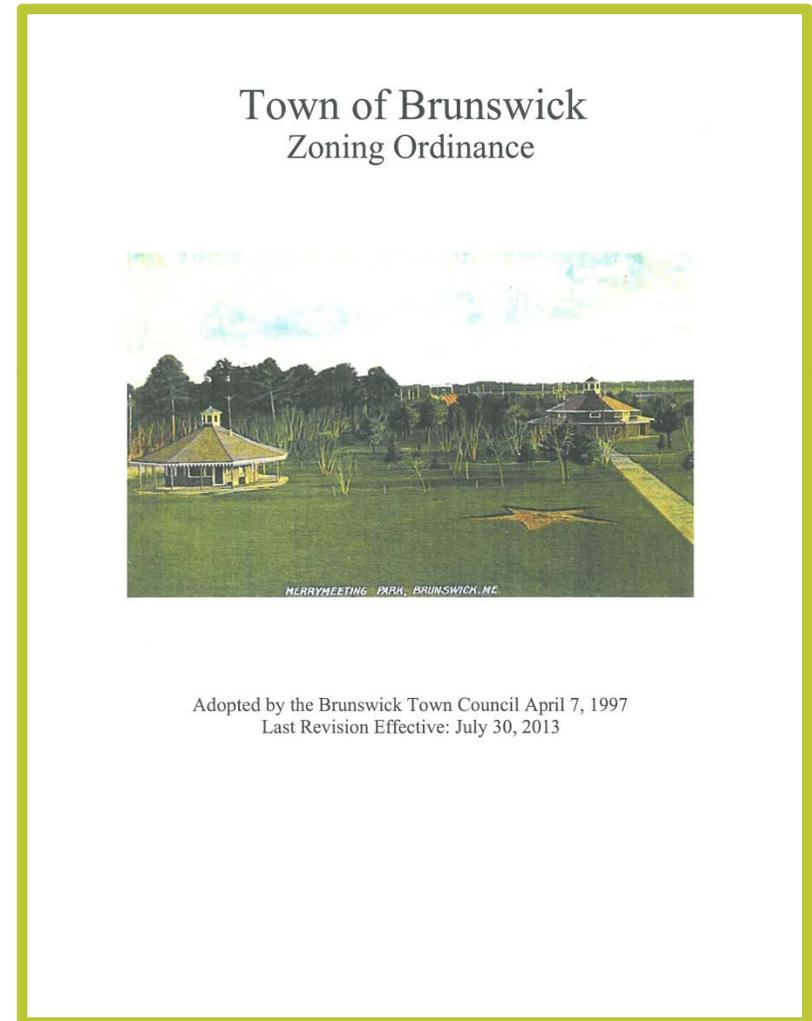
Comprehensive Zoning Rewrite

Outline of Revised Development Controls

Jan 21, 2014

The Brunswick Zoning Rewrite

- A comprehensive rewrite of the 1997 zoning ordinance
- Incorporating recommendations from the 2008 comprehensive plan
- Zone district boundaries will be re-evaluated for consistency with the plan and revised code



The Brunswick Zoning Rewrite

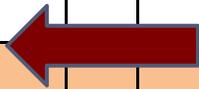
TODAY

1. **Where we are in the process**
2. **Structure of the revised ordinance**
3. **Proposed major changes from current development controls**



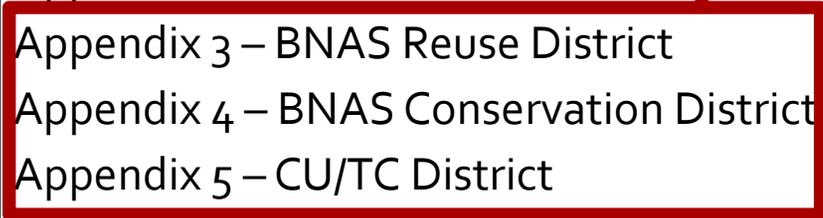
Where We Are in the Process

	2013		2014										
	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sep.	Oct.	Nov.
Task 1: Initial Scoping, Analysis and Direction		SI PF	SI PF										
Task 2: Staff Draft of Revised Zoning Ordinance							SI						
Task 3: Public Draft of Zoning Ordinance									SI PF				
Task 4: Adoption												PH	PH
SI = Stakeholder Interviews PF = Public Forum PH = Pubic Hearing													



Structure of the Revised Ordinance

Current Structure	Proposed New Structure
<p>1 – General Provisions</p> <p>2 – Zoning Districts and Overlay Zones</p> <p>3 – Specific Dimensional & Uses Stds.</p> <p>4 – Development Review</p> <p>5 – Development Review Plan Stds.</p> <p>6 – Sign Standards</p> <p>7 – Administration and Enforcement</p>	<p>1 – General Provisions</p> <p>2 -- Zoning Districts</p> <p>3 – Property Use Regulations</p> <p>4 – Property Development Standards</p> <p>5 – Procedures and Administration</p>
<p>Appendices</p> <p>Appendix 1 – Planning Areas</p> <p>Appendix 2 – Street Standards</p> <p>Appendix 3 – BNAS Reuse District</p> <p>Appendix 4 – BNAS Conservation District</p> <p>Appendix 5 – CU/TC District</p> <p>Appendix 6 – Contributing Structures</p>	<p>Appendices</p> <p>Appendix 1 – Planning Areas</p> <p>Appendix 2 – Street Standards</p> <p>Appendix 3 – Contributing Structures</p>



Structure of the Revised Ordinance

Current Structure	Proposed New Structure
<ul style="list-style-type: none">1 – General Provisions2 – Zoning Districts and Overlay Zones3 – Specific Dimensional & Uses Std.4 – Development Review5 – Development Review Plan Std.6 – Sign Standards7 – Administration and Enforcement	<ul style="list-style-type: none">1 – General Provisions2 -- Zoning Districts3 – Property Use Regulations4 – Property Development Standards5 – Procedures and Administration

These three chapters contain almost all of the major restructuring and substantive changes

Structure of the Revised Ordinance

3. Property Use Controls

- In the current code, uses are listed in a separate (repetitive) table for each type of zone district (i.e. residential, intown residential)
- The basic use list differs from that used in the BNAS districts and some of the overlay districts
- Use lists (in chapter 2 and appendices) are separated from special conditions attached to those uses (in chapter 3)
- Uses separate out some uses unnecessarily (e.g. “florist”, “media studio”, “artist studio”)

201 GROWTH DISTRICTS/TOWN CENTER DISTRICTS

District Name	Geographic Reference
TC1	Maine Street
TC2	Fort Andross
TC3	Lower Park Row

Table 201.1 USE TABLE

Use/District	TC1	TC2	TC3
Bank	P	P	-
Bed and Breakfast	P	P	P
Boarding House	-	-	-
Business Office	P	P	P
Car Wash	X	X	X
Congregate/Assisted Living	-	-	-(Amended 9/4/01 R)
Convenience Store	P	P	X
Club or Lodge	-	P	-
College Dining Facility	X	X	X
College Office	P	P	P
Community Center	P	P	-
Contractor's Space	X	P	X
Drive-Through	*	X	X (Amended 5/20/02 R)
Dwelling, Single and Two Family	P	X	P
Dwelling, 3 or More Units	P	P	P (Amended 9/19/05 R)
Gasoline Service Station	X	X	X
Golf Course	X	X	X
Greenhouse or Florist	P	P	P
Educational Facility	P	P	P
Farm	X	X	X
Hotel	P	P	P
Industry Class I	X	P	X
Industry Class II	X	P	X
Kennel	X	X	X
Library or Museum	P	P	P
Media Studio	P	P	P
Motor Vehicle Sales	X	X	X
Motor Vehicle Service/Repair	X	X	X
Parking Facility	P	P	X
Photographers/Artists Studio	P	P	P
Professional Office	P	P	P
Recreation Facility	P	P	X
Religious Institution	P	P	P
Residence Hall	-	X	X
Restaurant	P	P	P
Retail Class I	P	P	P
Retail Class II	P	P	P
Service Business Class I	P	P	-
Service Business Class II	P	P	X
Veterinary Office	X	P	X
Warehousing and Storage	*	P	X
Theater	P	P	-

Key: P="permitted use"; X="prohibited use"; "-"="Special Permit required, see Section 701; "*" indicates special requirements found in Section 202.3.
See Section 306, Supplementary Use Regulations

Structure of the Revised Ordinance

3. Property Use Controls

- Integrate general and BNAS use lists
- Shorten the list to remove distinctions between similar uses with similar impacts
- Organize the uses into two tables – one for Growth Area districts, and one for Rural area districts
- Cross-reference any Supplementary Use Standards that apply to the use in the right-hand column of the table
- List all of the Supplementary Use Standards immediately after the two consolidated use tables.

Structure of the Revised Ordinance

3. Property Use Controls

Two Tables Like This

TABLE 50-19.8: USE TABLE

P = Permitted Use U = Upper Story Only S = Special Use V = Vacant Building Use A = Accessory Use T = Temporary Use

New Zone District Name	Residential						Mixed Use					Form									Special			Use-Specific Standards
	R-C	RR-1	RR-2	R-1	R-2	R-P	MU-N	MU-C	MU-I	MU-B	MU-W	F-1	F-2	F-3	F-4	F-5	F-6	F-7	F-8	F-9	I-G	I-W	P-1	
Current Zone District Name		S	S2	R1a,b,c & R2	R3		R4 & C1	C5	MC	M1, IT & IP	W1										M2	W1		
LAND USE CATEGORY																								
RESIDENTIAL USES																								
Household Living																								
Dwelling, one-family	P	P	P	P	P	P	P					U	U	U	U	U	U	U	U	U				
Dwelling, two-family				P	P	P	P					U	U	U	U	U	U	U	U	U			50-20-1	
Dwelling, townhouse				S	P	P	P				P												50-20-2	
Dwelling, multi-family					P	P	P	P	P		P	U	P	U	P	P	U	U	P	P			50-20-3	
Dwelling, live-work						P	P	P	P		P	P	P	P	P	P			P	P				
Group Living																								
Assisted living facility (elderly)				S	P	P	P	P	P		P	U	P	U	P	P	U	U	P	P			50-20-4	

Structure of the Revised Ordinance

4. Property Development Controls

- Current ordinance separates information about how the property must be developed (as opposed to what uses are permitted) in five places:
 - Chapter 2 (Dimensions)
 - Chapter 3 (Specific Dimensional and Use Standards – several places)
 - Chapter 4 (Development Review)
 - Chapter 5 (Development Review Standards)
 - Chapter 6 (Signs)
- Planning Board has already begun to sort out the overlap and repetition between Chapters 4 and 5.
- But we can do even better – the best practice is to organize all of these materials into one chapter, and then have specific review and approval procedures refer back to that chapter.

Structure of the Revised Ordinance

4. Property Development Controls

- Dimensional Standards
 - Organized into 2 Tables (Growth and Rural), followed immediately by special/supplemental dimensional standards
- Natural and Historic Resources (from Chapters 4 and 5)
- Flood Hazard Areas
- Basic Services (Sewer, Water, Solid Waste – from Chapters 4 and 5)
- Stormwater Management, Landscaping, and Open Space
- Circulation and Access
- Parking and Loading
- Outdoor Lighting
- Neighborhood Protection Standards (New – to protect edges)
- Signs
- Performance Standards (Operations, Nuisance, Maintenance)
- Administrative Adjustments

Structure of the Revised Ordinance

3. Zoning Districts

Task 1 – Initial Scoping

- Document review and conference call ✓
- Initial meetings and workshop
- Annotated Outline of Revised Zoning Ordinance

Task 2 – Staff Draft of Revised Zoning Ordinance

Structure of the Revised Ordinance

3. Zoning Districts – the Big Deal – Lots of Changes

- **45 base districts and 13 overlays change to 30 base districts and 10 overlays**
 - **See chart on pages 13-15 of the outline**

Overall Lineup Is:

- **Growth Area Districts**
 - Residential (9)
 - Mixed Use (7 where both Residential and Non-residential Primary Uses are allowed)
 - Special Purpose (8 -- including College, Airport, Industrial, Office, and Recreation)
- **Rural Area Districts (6 – reflecting comp plan changes)**
- **Overlay Districts (10)**

Structure of the Revised Ordinance

3. Zoning Districts

Growth Area Residential = GR

- GR1 (R-R)
- GR2 (consolidating R1 and R8)
- GR3 (R₂)
- GR4 (consolidating R3, R4, R5, R6)
- GR5 (R7)
- GR6 (TR1)
- GR7 (TR2)
- GR8 (consolidating TR3 & TR4)
- GR9 (TR5)

Structure of the Revised Ordinance

3. Zoning Districts

Growth Area Mixed Use = GM

- GM1 (MU2)
- GM2 (consolidating MU3 & MU6)
- GM3 (MU4)
- GM4 (CC)
- GM5 (consolidating HCI & HC2)
- GM6 (consolidating TCI, TC2 & TC3)
- GM7 (consolidating I2, & RCMU)

Structure of the Revised Ordinance

3. Zoning Districts

Growth Area Special Purpose = GC, GI, CO, GS

- GC1 (consolidates CU1, CU2)
- GC2 (consolidates CU3 , CU 5 & CU6)
- GC3 (consolidates CU4 & CU7)
- GC4 (CU/TC)
- GA (R-AR)
- GI (consolidates I3, I4, & R-BTI)
- GO (consolidates R-PO and MUO)
- GS (misabeled GR in text; R-R&OS)

Structure of the Revised Ordinance

3. Zoning Districts

Rural Districts = RN, RF, RC, RP

- RN (BCN)
- RF (Consolidates FF1, FF3 & BCN)
- RC (CR2)
- RPI (CPI and CRI)
- RP2 (CP2)
- RP3 (MU5) – per comp plan

Structure of the Revised Ordinance

3. Zoning Districts

Overlay Districts

- Aquifer Protection (current 3 APZs continue)
- Natural Resources (current shorelands and flood hazards are joined by Rural Smart Growth Habitat Protection zone)
- Mobile Home Park (carries over)
- Telecommunications (carries over)
- Village Review (carries over)
- Flight Path (consolidates current FPZ1 and FPZ2)
- Medical Use Overlay disappears – now a base district

Structure of the Revised Ordinance

How are Districts Consolidated?

- **Focus on the character of development rather than the name of the use.** *Fine-grained differentiations in permitted uses have always been a very imperfect way to control impacts on nearby properties, since those impacts often turn on the height, scale, hours of operation, or other characteristics of permitted uses, rather than the name of the use. Focusing on the height, scale, and characteristics of development often improves protection for nearby properties.*
- **Focus on protecting “edges” and “transition zones.”** *Zone districts can include special provisions for transitional areas – such as the boundaries between two different zone districts – that protect sensitive residential areas while allowing more flexibility in the “heart” of the zone districts where uses and structures are similar in nature. Focusing on controls on transitional areas can often improve protections even when two or more districts are consolidated.*

Structure of the Revised Ordinance

How are Districts Consolidated?

1. If almost identical, use text to address the minor differences:
 - “This use is not permitted within X feet of the Y zone district”
2. If a very small zone district, consolidate with most similar and use text to address the minor differences.
 - “Structures in the area bounded by X, Y, and Z streets are limited to 35 feet”
3. If uses are similar/identical, but lot size or building dimension standards differ, use “contextual controls”
 - “Minimum lot size shall be 8,000 sq. ft. or the average size of all structures with 200 feet on the same block face.
 - “Minimum front setback shall 20 feet or within 5 feet of the average of the front setbacks on the nearest two occupied parcels within 100 feet on the same block face, whichever is smaller.

Structure of the Revised Ordinance

How are Districts Consolidated?

4. If dimensional standards are similar/identical but permitted and special uses differ, generally move the special use to a permitted use but add supplementary use standards to address anticipated impacts.
 - “If this use is located within 100 feet of a residential district, the primary structure shall be set back from the residential zone district boundary at least 200 feet, a vegetative screen meeting the requirements of section X shall be required along the residential boundary, and no outdoor light within 200 feet of the residential boundary may exceed 20 feet in height”

Structure of the Revised Ordinance

How are Districts Consolidated?

5. If districts differ only because additional uses are permitted in one, and the reason for their inclusion was to recognize existing uses and avoid making them “nonconforming” – fix the nonconformity provisions to clarify that the existing use is legal, then delete that use from the list.
 - “Light industrial uses in this district created before X date are considered legal, conforming uses, and are not subject to the restrictions of section X (Nonconformities).”

Note: Some of these issues go away when you consolidate the use tables and review the supplementary use standards.

If the use was subject to reasonable supplementary standards governing site design, lighting, or hours of operation, the reasons for creating a zoning district that excludes that use goes away.

Structure of the Revised Ordinance

How are Districts Consolidated?

Two Final Notes

- **All changes from the current ordinance will be footnoted.**
 - “X use would now be allowed on lands currently zoned Y, subject to those supplementary use controls in Section Z.”
- **This is our current recommendation about consolidations.**
 - Not infrequently, a closer look during the drafting process reveals issues that will cause the list of consolidations to change – generally be deciding **NOT** to proceed with the consolidation.
 - If so, the two district will remain separate, and the change in direction will be footnoted.

Structure of the Revised Ordinance

5. Procedures and Administration

Current ordinance divides procedures between Chapters 3, 4, 5, 7

Better practice is to have a single chapter with all materials related to “what kind of approval will I need, who will make the decision, and based on what criteria?”

Proposed Structure

- 5.1 General Provisions (Pre-applications, Notices, etc.)
- 5.2 Specific Procedures (Permit, Variance, Streamlined, Minor, and Major Development Review, Village Design Review, etc.)
- 5.3 Violations, Enforcement, and Penalties

Questions?



The Work Program

How to Stay Involved

- Zoning Ordinance Rewrite Committee
- All meetings televised and open to the public
- Meeting times posted on Town's calendar
- Web page will contain drafts
- Like Facebook page at Brunswick Comprehensive Zoning Ordinance Rewrite
- Comments always welcome
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ZORC

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