

# **Annotated Outline for a New Zoning Ordinance The Town of Brunswick, Maine**



**Clarion Associates**

**January 2014**

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# Part 1. PROJECT OVERVIEW AND CODE ASSESSMENT

## Background

The Town of Brunswick is located on the scenic Maine coast just 30 miles north of Portland. Known for its picturesque views, small-town character, beautiful river and waterfronts, and excellent college, Brunswick has long been popular with long-term residents, tourists, and college students.



Under Maine law, Brunswick is required to complete periodic planning for both the rural areas and the growth areas of the Town, and it has done so. Although the most recent update to the Brunswick Comprehensive Plan was adopted in 2008, the Town's 1997 Zoning Ordinance was not updated to reflect the new Comprehensive Plan. During the intervening years, the Town gained a major new redevelopment opportunity with the closure of Brunswick Naval Air Station and the completion of a separate planning process for the Brunswick Landing area. Although the Town adopted new land use controls for Brunswick Landing, those zoning regulations were not integrated with the remainder of the Zoning Ordinance.

## Project Overview

In the fall of 2013, the Town of Brunswick retained Clarion Associates to prepare a rewrite of the Brunswick Zoning Ordinance that will:

- Reflect the planning directions established in both the Comprehensive Plan and the Brunswick Landing planning process.
- Make the document more user-friendly for Town residents, potential investors, and other ordinance users;
- Simplify the structure of zone districts and uses;
- Better integrate the zoning controls for Brunswick Landing with those for the rest of the Town;
- Include best zoning practices that have emerged since the 1997 Zoning Ordinance was drafted; and
- Ensure that the ordinance complies with Maine law.

The Town established a Zoning Ordinance Rewrite Committee (ZORC) to guide this process. The ZORCs membership includes three members of the Brunswick Planning Board (Charlie Frizzle, Chair, Margaret Wilson, Vice-Chair, and Richard Visser, member) and three Town staff involved in planning and zoning administration (Anna Breinich, Director of Planning and Development, Jeremy Doxsee, Town Planner,

and Jeffrey Hutchinson, Codes Enforcement Officer). All public forums and ZORC meeting dates will be posted on the Town Calendar ([www.brunswickme.org](http://www.brunswickme.org)) as scheduled. All ZORC meetings will be televised.

The Zoning Ordinance will be accomplished through a four step process outlined below:

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**Task 1: Ordinance Review, Analysis and Direction**

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Clarion staff has reviewed the adopted plans and current Zoning Ordinance, as well as preliminary drafts of revised Zoning Ordinance chapters prepared by the Planning Board over the past several years. In December, 2013, Clarion staff visited Brunswick to meet with the ZORC, stakeholders, and citizens and to hold a public educational session and public input meeting. Town staff conducted additional public input sessions later in December. Following this first round of input sessions, Clarion staff has prepared a detailed outline of the revised Zoning Ordinance structure – including initial recommendations for changes -- and that outline appears later in this document. We will travel to Brunswick in January, 2014, to present this outline. Comments on and required changes to the outline will be documented in an addendum and incorporated in the work of Tasks 3 and 4, but will not result in a revised outline document.

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**Task 2: Staff Draft of Revised Zoning Ordinance**

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Clarion Associates staff will then prepare a Staff Draft of the new Brunswick Zoning Ordinance and will make a third trip to Brunswick in the spring of, 2014, to review that document with Brunswick staff, the Rewrite Committee, and Planning Board and conduct any additional stakeholder interviews. Initial discussions will also be held with Town staff and the Rewrite Committee regarding potential zoning map changes. The purpose of the Staff Draft is to ensure that Clarion Associates has correctly understood the changes that need to be made and to correct unintentional errors.

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**Task 3: Public Draft of Revised Zoning Ordinance**

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Following review and corrections to the Staff Draft, a Public Draft of the new Brunswick Zoning Ordinance will be prepared and posted on the Town's web site in July 2,014. Changes to the current regulations will be footnoted. Clarion staff will make a fourth trip to Brunswick to present the Public Draft at a public meeting and to conduct another round of stakeholder interviews and forums regarding that draft. Discussions will also continue regarding zoning map changes needed to reflect the revised menu of zoning districts.

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**Task 4: Adoption**

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Following public comment on the Public Draft, Clarion will make corrections approved by the ZORC and reflect those changes in a Public Hearing Draft of the new Brunswick Zoning Ordinance. The Hearing Draft is not final, but reflects an ordinance that the Rewrite Committee, staff, and the consultants believe is ready for formal review by the Planning Board and Town Council. Clarion will attend public hearings of both entities to present and answer questions about the Public Hearing Draft and compile any changes requested by the Planning Board resulting from their Public Hearing. The Planning Board will then forward the public hearing draft as revised, to the Town Council for their consideration and ultimate adoption.

The schedule for each of these four Tasks is shown below.

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

Comments from the public, stakeholders, or other interested parties are welcome throughout the process, and should be directed to Anna Breinich, Director of Planning and Development at [abreinich@brunswickme.org](mailto:abreinich@brunswickme.org).

## Assessment of the Current Zoning Ordinance

### Generally

The current Brunswick Zoning Ordinance dates from 1997 and has been amended numerous times. In general, these amendments have made the ordinance longer, more complex, and more difficult to use. More specifically:

- At 200 pages, the Zoning Ordinance is fairly long for a Town of 22,000. In contrast, Philadelphia’s ordinance regulates an area of 142 square miles and a population of 1.5 million in a little over 400 pages.
- The number of base zoning districts – 45 -- is fairly high for a Town this size. Again, in contrast, Philadelphia has 36 base districts. There appears to have been an attempt to draft individual zone districts for each neighborhood, street, or portion of a street. But a proliferation of zone districts makes it difficult to apply regulations on parking, landscaping, signage, and other quality measures consistently (as well as leading to significant repetition and often internal inconsistencies in the ordinance).
- Some of the topics addressed through overlay districts – for example medical uses and telecommunications devices – are normally addressed through Special Permits rather than separate zone districts. Proliferation of overlay zone districts also creates problems, because when more than one overlay is involved it becomes difficult to determine which of the varying overlay provisions trump other (potentially inconsistent) provisions.

- Like many older ordinances, almost all of the regulations focus more on what uses are allowed in each districts than on the form of development and how well it fits in with its neighbors. Most new ordinances allow more flexibility in uses while including more detailed controls on building form – particularly in downtown and commercial areas.
- Although Maine state law requires a clear distinction in planning and regulating conservation and growth areas, the distinction between the districts applicable to each of those areas is not very clear in the Zoning Ordinance.
- The structure of the ordinance is quite outdated. Originally, it attempted to outline the permitted uses and basic dimensional standards (lot size, building height, setbacks, etc.) separately in each district. Most other types of controls were grouped in Chapter 3 (Specific Dimensional and Use Provisions), which became the “catchall” chapter for substantive controls other than uses and dimensions. As newer and more complex districts were added, this approach became confusing, and regulations addressing similar topics became widely separated.
- There is significant overlap and potential inconsistency between the Specific Dimensional and Use Provisions in Chapter 3 and the Development Review Plan Standards in Chapter 5.
- Provisions for administration of the Zoning Ordinance (i.e., who needs a permit or approval? who grants the permit or approval? and on what terms?) are scattered in Chapters 4, 5, and 7. Most modern zoning ordinances group them together, so that all questions regarding procedures and enforcement can be found in a single chapter.
- The Appendices to the Zoning Ordinance contain some materials that should appear in the body of the ordinance.
- The ordinance contains almost no graphics, tables, illustrations, or flowcharts to convey information visually – even though many of the included standards lend themselves to visual communication.

#### **Current Zoning Ordinance Structure**

- 1. General Provisions**
- 2. Zoning Districts and Overlay Zones**
- 3. Specific Dimensional & Use Provisions**
- 4. Development Review**
- 5. Development Review Plan Standards**
- 6. Sign Regulations**
- 7. Administration and Enforcement**

#### **Appendices**

- 1. Planning Areas**
- 2. Street Standards**
- 3. BNAS Reuse District**
- 4. BNAS Conservation District**
- 5. College Use/Town Conservation District**
- 6. Contributing Historic Structures**

In addition, specific comments about what should and should not be changed in the Zoning Ordinance rewrite were received before, during and after the initial public and stakeholder meetings in December 2013. Those comments are not repeated verbatim in this document, but are reflected in the outline below, and additional comments will be integrated into the work of Tasks 2 and 3.

## Trends and Initial Reactions

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During Clarion's December visit to Brunswick, we outlined five trends in modern zoning ordinances and asked for reactions as to whether the new Zoning Ordinance should follow those trends in whole, in part, or not at all. This information is summarized below.

**Use of Form-based Zoning Controls.** In downtown and commercial areas, many newer zoning ordinances place less emphasis on detailed controls on the uses permitted within buildings and more emphasis on ensuring that the form of the development (the size and shape of the building, the placement of the building and parking on the lot, and the orientation of the building to the street). Most participants were in favor of taking this approach – particularly in the commercial areas and the downtown area. Key features that respondents wanted form-based controls to address included limitations on parking between the building and the street, requiring windows and doors on the street façade, and controlling the size and shape of the building.

**Integrated Code Structure.** Most modern zoning ordinances do not follow the district-by-district approach to listing permitted, special, and prohibited uses and dimensional standards. Instead they integrate all use controls for all districts in one chapter, all dimensional and development standards in a second section, and all materials related to procedures and permits in a third section. This allows both residents and potential investors to compare permitted uses and development across multiple zoning districts and reduces the chances of inconsistent treatment of uses across similar districts in the future. Most participants were in favor of moving to an integrated code structure, with the caveat that (consistent with the comprehensive plan and Maine law) uses and dimensional standards for rural zone districts should be integrated separately from those for growth districts.

**Broader, More Flexible Districts.** Most newer zoning ordinances try to consolidate existing zoning districts into fewer, more flexible districts. Instead of focusing on narrowly tailoring each district to a specific context, the broader districts focus on general standards that ensure that development is compatible with those on nearby properties. As noted above, simplifying the district structure makes it easier to administer the ordinance and reduces the likelihood of unintended consequences when development quality standards (parking, landscaping, buffering, sustainability, etc.) are applied to a large number of varied of zone districts. Almost all participants were supportive of this approach, provided that adjacent properties are protected from incompatible development. There was strong support for consolidating rural, residential, town center, college, and industrial zone districts subject to that important caveat.

**Broader, More Flexible Uses.** Most newer zoning ordinance try to reduce the number of specific permitted uses into broader categories in order to allow more flexibility for property owners to shift properties between similar uses and to simplify administration of the ordinance. Experience shows that the market can develop new potential uses of property that do not obviously fit in narrowly defined categories, but that have similar impacts to listed uses, faster than zoning controls can be updated to reflect each change. The prevailing practice is not to attempt to list all possible uses but to focus on creating broadly defined uses with similar impacts. There was strong support for this approach, again, provided that neighboring properties are protected from adverse impacts.

**More By-Right Development.** Finally, most revised zoning ordinances strive to reduce administrative time and costs by reducing the number of uses requiring a special permit hearing and instead allowing those uses subject to objective conditions (such as limits on size, scale, hours of operation, additional screening and buffering, or limits on outside activities). Most participants were supportive of this approach, provided that the conditions attached to specific uses were adequate to protect adjacent properties from harmful or unanticipated impacts.

# Part 2. ANNOTATED OUTLINE OF ZONING ORDINANCE

Based on Clarion Associates’ assessment of the current Brunswick Zoning Ordinance and comments received during our kickoff visit in December, 2013, we recommend that the Zoning Ordinance be revised as outlined in this section. The proposed restructuring of the ordinance is shown in the table below.

Current Structure	Proposed New Structure
<p><b>1 – General Provisions</b></p> <ul style="list-style-type: none"> <li>• Title, Scope, Authority, Purposes</li> <li>• Planning Areas</li> <li>• Zoning Districts and Map</li> <li>• Rules of Ordinance Structure</li> <li>• Nuisance</li> <li>• Miscellaneous</li> <li>• Definitions</li> </ul> <p><b>2 – Zoning Districts and Overlay Zones</b></p> <ul style="list-style-type: none"> <li>• Base Districts</li> <li>• Overlay Districts</li> </ul> <p><b>3 – Specific Dimensional and Use Provisions</b></p> <ul style="list-style-type: none"> <li>• Density</li> <li>• Mixed Use and Unit Ownership</li> <li>• Lots in Two Zone Districts</li> <li>• Nonconformity</li> <li>• Supplementary Dimensional Regulations and Administrative Exceptions</li> <li>• Supplementary Use Regulations</li> <li>• Conventional Subdivision</li> <li>• Open Space Developments</li> <li>• Development Proposals for 2+ Lots</li> <li>• Affordable Housing Developments</li> </ul> <p><b>4 – Development Review</b></p> <p><b>5 – Development Review Plan Standards</b></p> <p><b>6 – Sign Standards</b></p> <p><b>7 – Administration and Enforcement</b></p>	<p><b>1 – General Provisions</b></p> <ul style="list-style-type: none"> <li>• Title, Scope, Authority, Purposes</li> <li>• Planning Areas</li> <li>• Zoning Districts and Map</li> <li>• Mixed Use and Unit Ownership</li> <li>• Lots in Two Zone Districts</li> <li>• Nonconformities</li> <li>• Nuisance</li> <li>• Definitions and Rules of Construction</li> </ul> <p><b>2 -- Zoning Districts</b></p> <ul style="list-style-type: none"> <li>• Growth Area Base Districts</li> <li>• Rural Area Base Districts</li> <li>• Overlay Districts</li> </ul> <p><b>3 – Property Use Regulations</b></p> <ul style="list-style-type: none"> <li>• Growth Districts Use Table</li> <li>• Rural Districts Use Table</li> <li>• Supplementary Use Standards</li> </ul> <p><b>4 – Property Development Standards</b></p> <ul style="list-style-type: none"> <li>• Dimensional Standards</li> <li>• Natural and Historic Resources</li> <li>• Flood Hazards</li> <li>• Basic Services</li> <li>• Stormwater Management, Landscaping, and Open Space</li> <li>• Access and Circulation</li> <li>• Parking and Loading</li> <li>• Outdoor Lighting</li> <li>• Signs</li> <li>• Performance Standards</li> <li>• Administrative Adjustments</li> </ul> <p><b>5 – Procedures and Administration</b></p> <ul style="list-style-type: none"> <li>• General Provisions</li> <li>• Specific Procedures</li> <li>• Enforcement</li> </ul>
<p><b>Appendices</b></p>	<p><b>Appendices</b></p>
<p>Appendix 1 – Planning Areas</p>	<p>Appendix 1 – Planning Areas</p>
<p>Appendix 2 – Street Standards</p>	<p>Appendix 2 – Street Standards</p>
<p>Appendix 3 – BNAS Reuse District</p>	<p>Appendix 3 – Contributing Historic Structures</p>

Current Structure	Proposed New Structure
Appendix 4 – BNAS Conservation District Appendix 5 – College Use/Town Conservation Appendix 6 – Contributing Structures	

This proposed restructuring of the Zoning Ordinance, and the specific changes proposed for each section, are discussed in more detail in the pages below.

## Chapter 1 – General Provisions

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### 1.1 Title, Scope, and Authority

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No changes proposed to Sections 101, 102, or 103 of the current Zoning Ordinance.

### 1.2 Purposes

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The text of current Section 104 will be revised to reflect the goals and objectives of the 2008 plan and the Brunswick Landing planning process.

### 1.3 Planning Areas

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No changes proposed for this current Section 105, except as necessary to reflect planning areas established in the Brunswick Landing planning process.

### 1.4 Zoning District and Map

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The text of current Section 106 will be revised to reflect the new classification/organization of zoning districts and to integrate regulations from current Section 302 (Mixed Uses and Unit Ownership) and Section 303 (Lots in Two Zoning Districts).

### 1.5 Nonconformities

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Nonconformity regulations from Chapter 3 will be relocated here, and material from Section 210.9 (Nonconformities in the APZ district) will be integrated. In line with emerging best practices, the text will be revised to provide that any structures, uses, or lots made nonconforming by an amendment to the Zoning Ordinance or other government action, and that do not create threats to public health or safety, will have the same rights to expand, restart, or rebuild that conforming properties have. Traditional rules preventing expansion, restarting, or rebuilding nonconforming uses or structures will apply only to those nonconformities that create risks to public health or safety.

### 1.6 Definitions and Rules of Construction

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Materials from Chapter 1 on Rules of Ordinance Structure and Definitions will be consolidated here. All definitions scattered in other sections of the ordinance (for example, the Village Review Zone Overlay) will be integrated into this section. In addition, a definition for each permitted use listed in new Chapter

3 (Property Use Regulations) will be included. Missing definitions identified during the Zoning Ordinance drafting and review process will be added.

## Chapter 2 – Zoning Districts

This is a major area of change in the new Brunswick Zoning Ordinance, and will reflect a shorter and more flexible menu of zoning districts. Instead of including the permitted, special, and prohibited uses and dimensional standards for each zoning district sequentially (and repetitively), this Chapter will only list each district, its purposes and relation to Growth and Rural planning areas, and any regulations unique to that zone district. Materials on permitted, special, and prohibited uses for each district will appear in new Chapter 3 (Property Use Standards), and regulations on building form and dimensions will appear in Chapter 4 (Property Development Standards). Pursuant to discussions during our kickoff visit, this Chapter 2 will be divided into sections for Growth Districts, Rural Districts, and Overlay Districts (distinctions that are unclear in the current ordinance) as shown in the table below. That table includes a revised system of zone district names in which:

- Those zones that permit both residential and non-residential development are designated as “mixed use” districts.
- All districts designed for the Growth Area begin with a “G”, all districts designed for application in the Rural Area begin with an “R”, and all overlay zone districts end in an “O” for “overlay”.

### 2.1 Summary Table

Current Zoning Districts 45 Base    13 Overlay	Proposed Zoning Districts 26 Base    10 Overlay
<b>Town Center Districts</b>	<b>Growth Area Base Districts</b>
TC1	<b>Residential</b> (GR = Growth Area Residential)
TC2	GR1 (R-R)
TC3	GR2 (consolidating R1 and R8)
<b>Intown Residential Neighborhoods</b>	GR3 (R <sub>2</sub> )
TR1	GR4 (consolidating R3, R4, R5, R6)
TR2	GR5 (R7)
TR3	GR6 (TR1)
TR4	GR7 (TR2)
TR5	GR8 (consolidating TR3 & TR4)
<b>Extended Neighborhoods</b>	GR9 (TR5)
R1	<b>Mixed Use</b> (GM = Growth Area Mixed Use)
R2	GM1 (MU <sub>2</sub> ) <sup>1</sup>
R3	GM2 (consolidating MU <sub>3</sub> & MU6)
R4	GM3 (MU <sub>4</sub> ) <sup>2</sup>
R5	GM4 (CC)
R6	GM5 (consolidating HC1 & HC2)
R7	GM6 (consolidating TC1, TC2 & TC3)
R8	GM7 (consolidating I <sub>2</sub> , & RCMU)

<sup>1</sup> Because the nature of this area is changing, this will require a detailed staff/consultant review of existing uses, dimensions, and edges.

<sup>2</sup> Because this area has not and probably will not develop as a mixed use area, it may be deleted and the area rezoned to the surrounding FF zone district.

Current Zoning Districts 45 Base    13 Overlay	Proposed Zoning Districts 26 Base    10 Overlay
<p><b>College Use Districts</b></p> <ul style="list-style-type: none"> <li>CU1</li> <li>CU2</li> <li>CU3</li> <li>CU4</li> <li>CU5</li> <li>CU6</li> <li>CU7</li> <li>CU/TC</li> </ul> <p><b>Commercial Districts</b></p> <ul style="list-style-type: none"> <li>CC</li> <li>HC1</li> <li>HC2</li> </ul> <p><b>Mixed Use</b></p> <ul style="list-style-type: none"> <li>MU1</li> <li>MU2</li> <li>MU3</li> <li>MU4</li> <li>MU6</li> </ul> <p><b>Large Scale Business and Institutional</b></p> <ul style="list-style-type: none"> <li>I1</li> <li>I2</li> <li>I3</li> <li>I4</li> </ul> <p><b>BNAS Reuse (includes six land use areas)</b></p> <ul style="list-style-type: none"> <li>RCMU</li> <li>RPO</li> <li>RAR</li> <li>RBTI</li> <li>RR</li> <li>RROS</li> </ul>	<p><b>Special Purpose</b> (GG = Growth College; GI = Growth Industrial; GO = Growth Office; GR = Growth Recreation)</p> <ul style="list-style-type: none"> <li>GC1 (consolidates CU1, CU2)<sup>3</sup></li> <li>GC2 (consolidates CU3, CU 5 &amp; CU6)</li> <li>GC3 (consolidates CU4 &amp; CU7)</li> <li>GC4 (CU/TC)<sup>4</sup></li> <li>GA (R-AR)</li> <li>GI (consolidates I3, I4, &amp; R-BTI)</li> <li>GO (consolidates R-PO and MUO)<sup>5</sup></li> <li>GR (R-R&amp;OS)</li> </ul>
<p><b>Rural</b></p> <ul style="list-style-type: none"> <li>FF1</li> <li>FF3</li> <li>CR1<sup>6</sup></li> <li>CR2</li> </ul>	<p><b>Rural Area Base Districts</b></p> <ul style="list-style-type: none"> <li>RN (BCN)</li> <li>RF (Consolidates FF1, FF3 &amp; BCN)</li> <li>RC (CR2)<sup>7</sup></li> <li>RP1 (CP1 and CR1)<sup>8</sup></li> </ul>

<sup>3</sup> Further discussion of this consolidation is needed, and it may be necessary to keep the C1 (campus core) and CU2 (athletic field) districts separate.

<sup>4</sup> Further discussion of the intent of this little zoning parcel and the two conveyances is necessary. It may be able to consolidate this into a broader zoning district and leave it subject to the conveyance restrictions.

<sup>5</sup> The appropriateness of residential uses in these office/service districts will be reviewed, and if residential uses are permitted then the district will be renamed as a mixed use district.

<sup>6</sup> Anna – If some of the CR1 district is now in the Growth Area, which of the GR zones should be consolidate it with?

<sup>7</sup> Need to discuss whether these are still needed or not.

Current Zoning Districts 45 Base    13 Overlay	Proposed Zoning Districts 26 Base    10 Overlay
MU <sub>1</sub> MU <sub>5</sub> <b>Coastal Protection</b> CP <sub>1</sub> CP <sub>2</sub> <b>BNAS Conservation</b> BCN	RP <sub>2</sub> (CP <sub>2</sub> ) RP <sub>3</sub> (MU <sub>5</sub> )
<b>Overlay Districts</b> <b>Aquifer Protection</b> APZ <sub>1</sub> APZ <sub>1a</sub> APZ <sub>2</sub> <b>Natural Resource Protection</b> Shoreland Flood Hazards <b>Medical Use Zone</b> MUZ <b>Mobile Home Park</b> MHZ <b>Telecommunications</b> TCZ <b>BNAS Flight Path</b> FPZ <sub>1</sub> FPZ <sub>2</sub> <b>Village Review</b> VRZ <b>Rural Smart Growth</b> Habitat Corridor Habitat Block	<b>Overlay Districts</b> <b>Aquifer Protection</b> APO <sub>1</sub> APO <sub>2</sub> APO <sub>3</sub> <b>Natural Resources</b> NRO <sub>1</sub> (Shorelands) NRO <sub>2</sub> (Flood Hazard) NRO <sub>3</sub> (Rural Smart Growth/Habitat ) <b>Mobile Home Park</b> MHO (MHZ) <b>Flight Path</b> FPO (consolidating FPZ <sub>1</sub> and FPZ <sub>2</sub> ) <b>Telecommunications</b> TCO (TCZ) <sup>9</sup> <b>Village Review</b> VRO (VRZ)

This revised districts structure will result in the “retirement” of the I-1 district (since the character of that district has changed) and the MUZ medical use overlay zone district (because medical uses will be allowed by right or by special permit in some of the new base districts).

The zone district consolidation process often creates anxiety that the resulting simplification will open the door for new types of nearby development with more adverse impacts than those permitted by the current ordinance. However, numerous towns and cities have completed successful district consolidations and emerged with more confidence in the character and impacts of nearby development than they had before. The secret to successful zone district consolidations is to remember to:

- ***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*

<sup>8</sup> Anna – you indicated that the plan calls for replacing CR1 with CP, but did not indicate which CP. If you want it consolidated with CP2 instead, please go ahead and make that change.

<sup>9</sup> If possible, the two current TCZ districts will be consolidated into a single district, with internal text or maps used to distinguish between the two different height areas, but it may be necessary to have separate TCO1 and TCO2 overlay districts.

*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.*

The proposed zone district consolidations will be accomplished pursuant to the following principles, with changes in permitted uses or structures footnoted:

- When two or more districts are identical or almost identical, they will be consolidated.
- Zone districts that apply to a very small area of land will generally be consolidated, with use or location-specific controls to prevent the potential impacts that led to the creation of the small district.
- When two or more districts have almost identical uses, but differing dimensional standards, they will be consolidated with a provision that lot and building dimensions must match those in the area where they are located (usually the block face). For example, scale controls may provide a minimum lot size of 10,000 sq. ft. or the average size of lots on the same block face or road face segment, whichever is greater, so that infill development will match existing character.
- When two or more districts have similar dimensional standards but slightly differing permitted or special uses, the districts will be consolidated and the uses generally permitted subject to standards to prevent adverse impacts on adjacent properties.
- Where two or more districts differ only because a few uses are permitted or special permit uses, and the reason for allowing those uses was to avoid creating nonconformities, the districts will be consolidated and the nonconformities section revised (as discussed above) to consider them as conforming development.

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## **2.2 Growth Area Base Zone Districts**

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This section will contain a list of the new zone Growth Area Base Zone Districts listed in the table above, as well as a purpose statement for that district. If there are specific regulations that apply to only one zone district, they will appear in the subsection for that zone district. The new GM<sub>4</sub> district will include the current Cook's Corner Design Standards. The new GM<sub>6</sub> district (consolidating the three TC districts) will be organized with form-based elements addressing building form and shape, location of building and parking areas on the lot, and doors and windows along street frontages. Footnotes will clarify whether each district is a carryover from the current ordinance or a consolidation of existing districts.

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## **2.3 Rural Area Base Zone Districts**

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This section will contain a list of the new Rural Area Base Zone Districts listed in the table above, as well as a purpose statement for that district. If there are specific regulations that apply to only one zone district, they will appear in the subsection for that zone district. Footnotes will clarify whether each district is a carryover from the current Zoning Ordinance or a consolidation of existing districts.

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## 2.4 Overlay Zone Districts

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This section will carry over the text for each of the Overlay Zone Districts listed in the table above except where specific changes have been requested. The Village Review Overlay Zone provisions will incorporate those architectural compatibility standards contained in the Planning Board recommendations for Chapter 5. Incentives for removal of impervious surface will be added to the NRO (formerly NRPZ districts). Existing inconsistencies between the Aquifer Protection Zones and other portions of the Zoning Ordinance will be addressed, as well as inconsistencies between the applicability of the APZ district controls to residential, commercial, and industrial uses. Footnotes will clarify whether each overlay district is a carryover from the current ordinance or a consolidation of existing districts.

## Chapter 3 – Property Use Standards

As noted above, this chapter will consolidate tables listing permitted, special permit, and prohibited uses in each of the zone districts listed in Chapter 2. Existing tables contained in each grouping of existing zone districts (including the BNAS districts in the appendix) will be reorganized into two tables – one for the Growth Area Base Zone Districts, and one for the Rural Area Base Zone Districts. In addition, special conditions or limitations attached to specific uses will be integrated into this chapter.

Once these tables have been assembled, they will be reviewed and uses with similar impacts will be redefined into broader uses. For example, the current ordinance lists “florist” separately from other retail uses, while most communities would not list it separately. Similarly, the current ordinance lists “media studio” separately from “photographer/artist studio”, but most zoning ordinances would include them in a more general “studio” use. As a third example, the current ordinance lists several specific college uses (like “college offices” and “college dining facilities”) that have impacts no different than similar non-college uses, and most ordinances would not single them out for separate treatment. The permitted use lists applicable to the Brunswick Landing area and the remainder off the Town will be integrated and brought into alignment. Each change from the current use tables will be footnoted.

In addition, the consolidated tables will be reviewed for internal consistency (for example, the unintentional exclusion of a use from very similar districts, or the inadvertent inclusion of a use that does not fit the character of the district). In many cases, towns and cities find that significant additional flexibility can be permitted in commercial, institutional, and downtown areas in order to increase flexibility and competitiveness in those areas without creating any additional impacts on surrounding neighborhoods.

As the use tables are combined, consolidated, and simplified, we will also consider whether those uses listed as special permit uses can instead be permitted as uses by right subject to typical conditions to manage the impacts of the activity or its impacts on neighboring properties. Not only does this simplify administration of the ordinance, but it provides security to neighboring properties that the impacts of a proposed use will be addressed without the need for a special permit hearing every time the use is permitted.

Finally, the lists of permitted uses in the current ordinance mixes together “primary”, “accessory” and “temporary” uses of property, which can create confusion in both property owners and neighbors. An accessory use is one that is permitted as a “secondary and subordinate” use provided that there is another approved primary use of the property (for example, a car repairs being permitted as part of a car dealership in a district where a car repair shop would not be permitted by itself). For example, it is not clear in the current ordinance whether the professional offices are available as a primary or accessory use of the property. This section will clearly define and distinguish between those three categories of uses.

### 3.1 General

This section will explain the structure of the permitted use table and how to use it.

### 3.2 Growth Area Permitted Use Table

This section will include the permitted use table for the Growth Area districts, including a column for Supplementary Use Standards, as shown in the sample portion of a table below (from another community). The first section of the table will cover primary uses, followed by a section on accessory and temporary uses.

**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-H	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			
<b>LAND USE CATEGORY</b>																										
<b>RESIDENTIAL USES</b>																										
<b>Household Living</b>																										
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	U	U	P	P						
<b>Group Living</b>																										
Assisted living facility (elderly)				S	P	P	P	P	P		P	U	P	U	P	P	U	U	P	P						50-20-4

Specific recommendations received to date include: adding “live-work” as a use in the downtown area, restricting adult uses/bars, allowing artisan manufacturing/food uses in or near the downtown area, and restricting non-residential uses along Federal Street.

### 3.3 Rural Area Permitted Use Table

This section will include a similar table for the Rural Area Base Zone Districts.

### 3.4 Supplementary Use Standards

This section will include each Supplementary Use Standard cross-referenced in the right-hand column of the two permitted use tables in the preceding sections. It will include the regulations currently contained in Sections 306 (Supplementary Use Regulations) and 307 (Supplementary Use Regulations), but those materials will be reorganized to align with the new lists of permitted uses in the permitted use tables. Any changes necessary to align with the new menu of permitted uses, to clarify the regulation, to avoid inconsistencies, or to remove obsolete materials will be footnoted. In addition, this section will include new Supplementary Use Standards for those uses that can be moved from a special permit use to a permitted use subject to objective standards and conditions.

## **Chapter 4 – Property Development Standards**

This chapter will contain most of the substantive content of the Brunswick Zoning Ordinance relating to permitted structures and development in each zone district (rather than the uses occurring on the property). It will incorporate most of the content currently found in Chapter 3 that is not moved to Chapter 1 (General Provisions), Chapter 3 (Property Use Standards), or Chapter 5 (Procedures and Administration).

In addition, this section will incorporate all substantive development standards currently contained in Chapter 4 (Development Review – which includes Subdivision and Site Plan Review) and Chapter 5 (Development Review Plan Standards), including in most cases recommended changes to those sections collected by the Planning Board of the past few years. The current Brunswick Zoning Ordinance includes several substantive development standards within the Development Review chapters, while the better practice is to consolidate all those standards into one chapter. The procedures chapter can then outline each of the different approval procedures (Site Plan, Subdivision, Minor Development, etc.) and require compliance with the substantive standards in this Chapter 4.

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### **4.1 Dimensional Standards**

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#### **4.1.1 Growth Area Dimensional Standards**

This section will include a dimensional table consolidating the information on lot size, required setbacks, building height, and density currently contained in each of the Growth Area Base Zone District chapters and the BNAS Reuse District and CU/TC District appendices. In the case of the new GM6 district (consolidating the current TC districts) new standards addressing maximum building setbacks will be included. Where possible, regulations from current Section 305 (Supplementary Dimensional Standards and Administrative Exceptions) will be incorporated in the table.

#### **4.1.2 Rural Area Dimensional Standards**

This section will include a dimensional table consolidating the information on lot size, required setbacks, building height, and density currently contained in each of the Rural Area Base Zone District chapters and the BNAS Conservation District appendices. Where possible, regulations from current Section 305 (Supplementary Dimensional Standards and Administrative Exceptions) will be incorporated in the table.

#### **4.1.3 Supplementary Dimensional Standards and Exceptions**

Regulations from Section 305 (Supplementary Dimensional Standards and Administrative Exceptions) that cannot be integrated into the two dimensional standards tables above will be included in this section. Regulations from Section 308 (Developments on Two or More Lots) which contains an exception to measurement of impervious surfaces, will be included in this section, as will a section prohibiting the creation of new “spaghetti lots” (lots with a width to depth ratio less than 1:5m **as required by Maine state law**).

This section will also contain the substantive regulations from current Chapter 308 (Open Space Subdivisions). Information in current Chapter 307 (Conventional Subdivisions) is procedural (not substantive) in nature and will be moved to Chapter 5 (Procedures and Administration). Similarly, the materials in Section 308.1 addressing the process for approval of Open Space Developments will be moved to new Chapter 5.

Finally, this section will incorporate the regulations from current Section 310 (Affordable Housing Developments), with the exception of definitions, which will be consolidated with other definitions in Chapter 1. The majority of these standards address dimensional requirements (including bonus density), and those that do not (e.g. fee reductions) will be integrated into Chapter 5.

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## **4.2 Natural and Historic Resources**

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Many of the Development Plan Review Standards in Chapter 5 of the current Zoning Ordinance involve protection of natural and historic resources. This section will consolidate existing or draft regulations from the following sections, but will simplify those standards and replace subjective terms with objective standards whenever possible. Recommended improvements from the preliminary Planning Board recommendations for Chapters 5 will be incorporated where possible.

### **4.2.1 Natural Features**

This section will be based on current Section 501.1 (Natural Features) and the proposed text for protection of natural vegetative buffers from the Planning Board recommendations for Chapter 5.

### **4.2.3 Steep Slopes**

This section will carry forward current Section 503 (Steep Slopes and Embankments)

### **4.2.4 Erosion and Sedimentation**

This section will carry forward current Section 506 (Erosion and Sedimentation)

### **4.2.5 Groundwater**

This section will carry forward current Section 505 (Groundwater)

### **4.2.6 Surface Waters, Wetlands, and Marine Resources**

This new section will be based on the Planning Board’s preliminary recommendations for amendments to Chapter 5 on this topic.

#### **4.2.7 Historic Resources**

This section will be based on current Section 517 (Historic Resources).

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### **4.3 Flood Hazard Areas**

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This section will carry forward the content of current Section 502 (Flood Hazard Areas). Recommended improvements from the Planning Board recommendations for Chapters 5 will be incorporated where possible.

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### **4.4 Basic Services**

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#### **4.6.1 Sewage Disposal**

This section will carry forward the content of current Section 507 (Sewage Disposal). Recommended improvements from the preliminary Planning Board recommendations for Chapters 5 will be incorporated where possible.

#### **4.6.2 Water Supply**

This section will carry forward the content of current Section 508 (Water Systems). Recommended improvements from the preliminary Planning Board recommendations for Chapters 5 will be incorporated where possible.

#### **4.6.3 Solid Waste Disposal**

This section will insert the standards from the proposed Planning Board recommendations for improvements to current Chapter 5.

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### **4.5 Stormwater Management, Landscaping, and Open Space**

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These three types of development standards should appear together in order to encourage design of landscaping to integrate stormwater management facilities and green infrastructure principles.

#### **4.5.1 Stormwater Management**

This section will carry forward the content of current Section 505 (Stormwater Management).

#### **4.5.2 Landscaping**

This section will include content from the landscaping section of the Planning Board recommendations for Chapter 5, which address street tree and parking lot landscaping requirements, and will include administrative flexibility to adjust landscaping locations based on site constraints.

#### **4.5.3 Residential Recreation Areas**

This section will carry forward the content of current Section 519 (Recreational Requirements for Residential Developments) with changes reflecting recommendations from Planning Board and from the Parks, Recreation, and Open Space Plan.

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## **4.6 Circulation and Access**

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### **4.6.1 Street Standards**

This section will include content from current Section 511 (Development of New Streets), with simplifying revisions contained in the Planning Board recommendations for Chapter 5. Additional changes to proposed street design based on Complete Street and Green Street concepts may be integrated after discussion.

### **4.6.2 Curb Cuts and Highway Access**

This section will include content from current Section 513 (Curb Cuts and Highway Access), with revisions from the Planning Board recommendations for Chapter 5, including a requirement for compliance with MSRA Title 23, Section 704, if the development requires access to a state highway outside the Town's Growth Area.

### **4.6.3 Pedestrian and Bicycle Access**

This new section will be based on the Planning Board's recommendations for Chapter 5, which require increased connectivity between neighboring developments.

### **4.6.4 Access for Persons with Disabilities**

This section will include content from current Section 518 (Access for Persons with Disabilities)

### **4.6.5 Shoreline Access**

This section will insert proposed requirements for preservation of shoreline access from the redraft of Chapter 5 after review for consistency with Maine and federal law.

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## **4.7 Parking and Loading**

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### **4.7.1 Minimum and Maximum Automobile Parking Requirements**

This section will update and simplify the provisions of current Sections 512.1 and 512.2, but with revisions to align those requirements with the new list of permitted uses in Chapter 2, with reductions in parking requirements where possible, and with exemptions for small lots and reductions for shared parking. Maximum parking area limits will be included for permitted uses that sometimes provide large areas of parking used only once or twice a year in areas where large parking areas reduce walkability.

### **4.7.2 Minimum Bicycle Parking Requirements**

This section will replace the subjective standards of current section 512.5 with objective bicycle parking standards.

### **4.7.3 Design and Construction of Parking Areas**

This section will carry forward the provisions of current Sections 512.3 and 512.4.

#### **4.7.5 Alternative Parking Plan**

This section will contain a simplified version of the text of current section 512.6 (Parking Plan Alternatives).

#### **4.7.6 Minimum Off-street Loading Requirements**

This section will replace the content of current section 514 (Off-street Loading Requirements), with more objective standards for loading facilities, including exemptions for small parcels and will reflect increasing use of smaller delivery vehicles with less need for designated loading spaces.

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### **4.8 Outdoor Lighting**

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This new section will replace subjective review criteria in the current Zoning Ordinance with objective lighting standards designed to prevent minimize uplighting, glare, and light trespass onto adjacent properties, based on Planning Board recommendations for Chapter 5.

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### **4.9 Neighborhood Protection Standards**

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This section will contain standards to protect properties near the boundaries of the new consolidated zone districts from developments of inappropriate scale or character on adjacent properties. Examples of transitional controls include additional buffering requirements, additional building or parking area setbacks, reduce light pole heights, increased light shielding, and restrictions on layout and orientation of drive-through, circulation, or storage areas.

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### **4.10 Signs**

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This section will carry over the content of current Chapter 6 (Signs). Minor changes to those standards recommended by Brunswick staff related to banners, sandwich boards, LED signs, and similar specific sign types will be incorporated.

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### **4.11 Performance Standards**

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#### **4.10.1 Operation of Uses and Development**

This section will include the content of current Section 524 (Noise and Dust) addressing noise and dust and prohibiting certain demolition, construction, or drilling on stated holidays. In addition, this section will be expanded to include performance standards for odor and vibration. Current nuisance controls from Section 109 will be incorporated here, with clarifications necessary to improve enforceability.<sup>10</sup>

#### **4.10.2 Maintenance**

This new section will require that all landscaping and site features required to be installed pursuant to the Zoning Ordinance or as a condition of an approval be maintained in good

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<sup>10</sup> Anna – note that I moved the nuisance provisions from Chapter 1 to this section so they appear in only one section of the code.

condition and be replaced if damaged, destroyed, or (in the case of landscaping and vegetation) if dead or diseased.

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#### **4.12 Administrative Adjustments / Alternative Compliance**

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This section will list which development standards can be adjusted administratively, the maximum amount of adjustment permissible, and the criteria to be applied to requests for administrative adjustment. The section will also permit applicants to present alternative proposals to some development standards –usually including landscaping, lighting, circulation, open space, and parking standards – and will provide for administrative approval of the alternative subject to criteria ensuring that the.

### **Chapter 5 – Administration**

This final chapter of the Brunswick Zoning Ordinance will bring together all materials related to development applications, review, permitting, amendments, and enforcement – materials that are distributed between Chapters 4, 5, and 7 of the current ordinance. It will be the single place where ordinance users can find answers to questions “do I need a permit or approval to do this?”, “who will approve the application?”, and “what are the criteria that will guide the review and approval of my application?” As noted above, many of the approval criteria will simply refer back to substantive standards and regulations contained in Chapters 2, 3, and 4 and require compliance with those standards, while others will guide the discretion of the Planning Board or the Zoning Board of Appeals in making decisions assigned to those bodies. During the project kickoff meetings in December, 2013, few suggestions for improvement of the existing procedures themselves were received. Most comments related to the vagueness and subjectivity of the standards in the current ordinance and the difficult in applying those standards to make consistent and predictable decisions consistent with the Town’s planning goals – which are addressed through the changes to Property Development Standards in Chapter 4 above.

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#### **5.1 General Provisions**

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This section will collect those materials related to more than one review or approval process, so that they do not need to be repeated for each specific procedure.

##### **5.1.1 Reviewers and Decision-Makers**

This new section will outline the various bodies involved in implementing the Zoning Ordinance and their respective responsibilities. Short sections will describe the Planning Board, Zoning Board of Appeals, Village Review Board, City Council, Planning staff, the Recreation Commission, Conservation Commission, and Brunswick-Topsham Land Trust, the Brunswick Sewer District, the Brunswick and Topsham Water District, and their respective roles. The current Zoning Ordinance contains some of this information in Sections 402.1 (Planning Board Responsibilities), 402.2 (Staff Review Committee Responsibilities), 403.3 (Planning and Development Staff Responsibilities), 703.1 (Powers and Duties of Zoning Board of Appeals), and 705 (Codes Enforcement Officer), but those provisions are often grouped with the specific procedures for which that body is responsible. That requires readers to know who will make the decision before they can find the procedural requirements themselves. The better practice is to

keep decision-maker descriptions separate from specific procedural requirements. This section will also carry forward materials from current Section 403 regarding Planning Board delegation of some responsibilities to other bodies or to staff.

#### **5.1.2 Pre-application Meetings**

This section will clarify what types of applications are subject to a pre-application meeting requirement, based largely on materials in current Section 405.1 (Pre-application Meetings).

#### **5.1.2 Applications Required**

This section will require that each applicant submit those application materials required by the Town, as those requirements may be updated from time to time. Where specific application or submittal materials are listed in the current Zoning Ordinance, or in the Planning Board's recommendations for improvements to current Chapter 5 (e.g. requirements to map farmland per Maine state classification standards), those will be incorporated in this section. As an alternative, this section may refer the reader to the Town's web site for lists of submission materials for each type of application, which is the emerging best practice (rather than including them in the ordinance or an appendix).

#### **5.1.3 Determination of Completeness**

This section will contain a simplified version of current Section 405.3 (Determination of Completeness of Application).

#### **5.1.4 Fees Required**

This section will clarify that each applicant must pay the review and application fee for that type of application established from time to time by the Town Council. In addition, it will incorporate materials from current Section 510 (Development Impact Fees) requiring that each development subject to a development impact fee pay that fee before an approval will be granted or a permit issued. Current materials on fee reductions for affordable housing will be integrated in this section.

#### **5.1.5 Community Facility Impact Analysis**

This section will be based on existing requirements in Section 509 (Community Facility Impact Analysis), as well as Planning Board's recommended expansion to include evaluation of potential traffic impacts on adjoining municipalities, and will clarify what sizes and types of development are required to prepare such an analysis.

#### **5.1.6 Public Notice and Public Hearings**

This section will consolidate all materials related to the notice and conduct of public hearings and decisions arising from those hearings.

#### **5.1.7 Fiscal Capacity and Performance Guarantees**

This section will be based on existing requirements in Sections 520 (Fiscal Capacity) and 521 (Performance Guarantees), as well as Planning Board's recommended revisions to those

sections, and will clarify what sizes and types of development are required to provide performance guarantees as a condition of project approval.

#### **5.1.8 Property Owners Associations**

This section will carry forward the provisions of current Section 522 (Homeowners/Property Owners Associations) requiring that these types of organizations be responsible for management and maintenance of private roads, lands, and facilities, and that entities with the powers to do so be created before approval of development including those types of facilities.

#### **5.1.9 Appeals of Administrative Decisions**

This section will carry over the provisions of current Section 703.4 (Appeals to the Zoning Board of Appeals).

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## **5.2 Specific Procedures**

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This section will include separate subsections for each type of application or review procedure required by the Zoning Ordinance. Over the past years, the Planning Board has completed substantial work to revise, clarify, and streamline existing procedures, and much of that draft material will be incorporated into this section. Procedures will be organized from the simplest – which are the ones most often useful to ordinance readers concerned about their own or their neighbor’s property – to the more complex.

#### **5.2.1 Building Permits and Certificates of Occupancy**

This section will be based on current Sections 704.1 (Building Permits) and 704.2 (Certificate of Occupancy) and will confirm that when no other types of approval are required the issuance of a building permit will be preceded by a staff check for compliance with the Zoning Ordinance. It will clarify that in the case of property located in the new GM4 (formerly CC) district this will include a review for compliance with the Cooks Corner design standards.

#### **5.2.2 Change / Expansion of Use Permit**

This section will consolidate the information in current Sections 702 (Change of Use) and 704.3 (Permit for Expansion of Nonconforming Use or Use Permitted by Special Exception).

#### **5.2.3 Special Permits**

This section will carry over the provisions of current Section 710 (Special Permits).

#### **5.2.4 Special Exceptions**

This section will carry over the provisions of current Section 703.3 (Special Exceptions).

#### **5.2.5 Variances**

This section will carry over the provisions of current Section 703.2 (Variances).

#### **5.2.6 Village Review Overlay Design Review**

This section will carry forward the requirement for design review currently found in Section 515.6 (Village Review process). Coordination between the Village Review Board and the Planning Board when an application requires review by both bodies will be revisited to streamline the process.

#### **5.2.7 Common Development Designation**

This section will cover the materials addressed by current Section 413 (Common Development Plan) and include the Planning Board's recommended changes to that section.

#### **5.2.8 Development Review in General**

This section will include regulations covered in Chapter 4 of the current Brunswick Zoning Ordinance (Development Review). However, those materials will be revised to include significant changes and reorganization based on the Planning Board recommendations for Chapter 4. A revised table clarifying what types of applications will be subject to review of specific impacts will be included. Materials from Section 308.1 addressing the process for approval of Open Space Developments will be incorporated into the Development Review procedures outlined below.

This section will also include topics currently covered in Section 407 (Development Plans, Additional Provisions) addressing the ability to require additional studies, contract consulting services or peer review; street naming; phased developments; plan recording and prohibitions on lot sale until recording occurs; vesting and expiration of Development Plan approvals; reapproval of a Development Plan after lapsing; the ability of the reviewing body to waive requirements in the Development Review Process; and clarifying that plan approval does not constitute acceptance of land or street dedications, which require separate action by the Town Council.

#### **5.2.9 Streamlined Development Review**

This section will contain the Planning Board's recommended new Streamlined Development Review process, and a flowchart of that process, together with a statement of the types of applications eligible for that type of review.

#### **5.2.10 Minor Development Review**

This section will contain the Planning Board's recommended revisions to the Minor Development Review process found in current Section 405.4 (Procedures for Minor Project Development Review), a flowchart of that process, and a statement of the types of applications eligible for that type of review.

#### **5.2.11 Major Development Review**

This section will contain the Planning Board's recommended revisions to the Major Development Review process found in current Section 405.5 (Procedure for Major Project Development Review), a flowchart of that process, and a statement of the types of applications eligible for that type of review.

#### **5.2.12 Revisions to Approved Development Plans**

This sections will include the Planning Board’s recommendations and clarification of how revisions to approved Development Plans are processed (currently covered in Section 407.7), including the creation of an expedited Minor Revision process.

#### **5.2.13 Ordinance Text or Map Amendment**

This section will clarify the procedure for amending the Brunswick Zoning Ordinance or Zoning Map consistent with the requirements of Maine law and current Section 108 (Amendments).

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### **5.3 Violations, Enforcement and Penalties**

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This section will carry forward the materials in current Sections 705 (Codes Enforcement Officer) and 706 (Violations and Penalties). Those materials will be reorganized into the following three sections.

#### **5.3.1 Violations**

This section will clarify what actions or inactions constitute a violation of the Zoning Ordinance.

#### **5.3.2 Enforcement**

This section will carry forward the regulations in current Section 705 regarding procedures for filing complaints, inspecting properties, and enforcing the Zoning Ordinance.

#### **5.3.3 Penalties**

This section will carry forward the provisions of current Section 706 (Violations and Penalties)

## **Appendices**

Three of the current six appendices will be carried forward – with changes. The remaining three contain BNAS zoning regulations that are now integrated into the body of the Zoning Ordinance.

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### **Appendix 1: Planning Areas**

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The contents of current Appendix 1 will be carried over with revisions as necessary to reflect any changes during or since the Comprehensive Planning or Brunswick Landing planning processes or to comply with changes in Maine law. Material from a staff-prepared document entitled Planning Area Summary may also be integrated.

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### **Appendix 2: Street Standards**

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The content of current Appendix 2 (Street Standards) will be carried over with any changes recommended by Planning Board or necessary to implement Comprehensive Plan or Brunswick Landing planning recommendations.

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### **Appendix 3: Contributing Historic Structures**

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The content of current Appendix 6 (Contributing Historic Structures) will be carried over.