

Summary of Contract Zoning in Maine

Contract zoning in Maine is a land use tool that allows municipalities to create specific zoning agreements with property owners for developments that do not fit within existing zoning ordinances. It offers flexibility in land use regulations to accommodate unique projects while ensuring consistency with the municipality's Comprehensive Plan.

Key Elements:

1. **Legislative Authority:** Contract zoning is authorized under 30-A M.R.S.A. § 4352. It permits municipalities to rezone properties on a case-by-case basis, establishing conditions or restrictions tailored to a specific development.

2. **Flexibility in Development:** This type of zoning is used for projects with unique characteristics that require deviations from standard zoning laws. It allows for flexibility in use, density, design, and other zoning standards, but must still align with the municipality's long-term planning goals.

3. **Public Interest and Benefits:** The Select Board must determine that the contract zoning agreement serves the public interest and provides benefits to the town, such as economic development, environmental protection, or infrastructure improvements. The Planning Board must determine that the contract zoning is consistent with the Comprehensive Plan.

4. Application Process:

- The property owner or applicant submits a contract zoning application to the municipality, detailing the proposed development, how it diverges from existing zoning, and how it aligns with the Comprehensive Plan.
- Public hearings are typically required, allowing residents to voice their opinions on the project.
- Both the Planning Board and the Board of Selectmen are involved in reviewing and recommending whether the proposal should be accepted.

5. **Conditions and Restrictions:** In exchange for rezoning, municipalities can impose specific conditions on the development, such as:

- Limitations on use or building size.
- Requirements for infrastructure improvements.
- Environmental safeguards, such as open space preservation or buffer zones.

6. **Town Meeting Approval:** In towns with Town Meeting legislative format, contract zoning agreements must be approved by a vote at Town Meeting, adding a layer of democratic oversight.

7. **Binding Agreement:** Once a contract zoning agreement is approved, it becomes a legally binding document. The conditions agreed upon must be adhered to by both the property owner and the municipality. These agreements are recorded with the property deed, ensuring they apply to future owners as well.

8. **Amendments:** The agreement can be modified, but such changes usually require approval from the town's governing body and, in some cases, another public vote.

Examples of Contract Zoning Benefits:

- Economic Development: A municipality might allow commercial development in a residential zone in exchange for job creation or infrastructure improvements.
- Environmental Protection: A developer could receive approval for higher-density housing in exchange for preserving significant open spaces or implementing advanced environmental safeguards.

Conclusion:

Contract zoning in Maine provides a structured but flexible approach to land development, allowing municipalities to tailor zoning to specific projects while safeguarding public interests and ensuring alignment with broader planning goals.