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M E M O

DATE: 7 June 2005
PROJECT: Gardiner Ordinance Review & Planning – Signs and Contract Zoning.
TO: Ordinance Review Committee
FROM: Mitchell Rasor

1. Signs

In reviewing the existing Gardiner sign performance standards (Section 3.Y Signs and Billboards) and comparing it to comparable ordinances, the Gardiner sign provisions are reasonably adequate in controlling the visual character of the community, however the section can be organized in a more coherent manner and updated to reflect recent thinking on signage. A clearer hierarchy / framework for the section is recommended making the sign permitting process more user friendly for applicants, the CEO and the Planning Board. Current standards are “scattered” through three main sections, without an overarching order.

The current sign performance standards do not make distinctions between the different zones within the city, except for the Central Business District (noted as the Downtown Area in the ordinance.) Revised sign performance standards should recognize the needs and character of all the zones and the existing and desired visual quality of development within the various zones.

Current Sign Section Framework

- Size, Location and Illumination
- Types of Signs
- Signs in Downtown Area

Proposed Sign Section Framework

- General Provisions
 - Purpose
 - Sign Permits and Fees
 - Exempt Signs
 - Prohibited Signs
 - Maintenance and Conformity
 - Retiring Non-Conforming Signs
- Definitions
- Regulations Applicable to Signs in all Zones
- Specific Standards by Sign and Zone
- Allowable Sign Types Zone Matrix
- Allowable Signs Dimensions Zone Matrix

If the Ordinance Review Committee (ORC) thinks the new framework is the right direction, we can begin a more detailed conversation about such issues as whether interior illuminated signs should be allowed in certain zones, if neon should be allowed, what type of mechanism should be developed to retire non conforming signs and whether a "Master Signage Plan" permit should be developed which would create more cohesive looking developments and allow a percentage increase in sign area for individual businesses represented by the Master Signage Plan. There are additional issues such as establishing local standards for Maine DOT Official Business Directional Signs, seasonal farm stand signs, and Chamber of Commerce kiosk directories which need to be reviewed.

It will be useful to discuss the above issues, plus any other ideas, before presenting a full draft of the sign standards at the July meeting.

2. Contract Zoning

Contract zoning is a useful planning tool and gives applicants and the city flexibility in reviewing development proposals without having to create a more negative “appeals or variance” process. Contract zoning is not a golden bullet for change. It is traditionally used to allow for creative flexibility without impacting the current nature of the neighborhood or greatly varying from the underlying allowed or conditional uses.

A good example of contract zoning is a developer wants to redevelop an abandoned mill within a residential neighborhood into apartments. Current zoning standards make redeveloping the mill financially and legally impossible because multi family buildings are not allowed in the zone and the current setback requirements make it difficult to develop the required number of parking spaces, or current parking standards for the zone are too strict and development of the property is restrained because of this. In the redevelopment of the mill building, the developer is not asking for a change of use that is radically different from the existing residential use of the zone, but needs flexibility in the standards to create a more dense and different type of residential development, but ultimately a residential development. In short, contract zoning is almost always used to provide flexibility in density, dimensional and performance standards, but not drastic changes in use.

In terms of change of use, a municipality is better served by anticipating potential non-residential uses of the mill, which are not inherently incompatible with the current zoning, such as a congregate care facility, a school, museum or archive. The municipality can change the underlying allowable uses in the zone in anticipation of the redevelopment of the mill, providing greater opportunities for investment, while protecting and shaping the future character of the neighborhood.

In changing the use of the mill to a use drastically different from the residential neighborhood, for example, a distribution center requiring many trucks, the municipality could begin to undermine the integrity of the intent of the ordinance. This can create a landscape of “spot zoning” which does not provide residents a level of comfort about the future of their community.

Economies change and this is reflected in land uses. An ordinance should be flexible to change with the times, but not break and irreparably change the character of a neighborhood and a community at large.

A contract zoning mechanism should be developed for Gardiner. In addition, the ORC should commence strategic long-term planning about changing the underlying zoning of certain areas to anticipate the needs of certain properties and buildings while protecting the character of the neighborhood.