



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

MEMORANDUM

DATE: February 9, 2018

TO: City Council Zoning and Planning Committee

FROM: Barney Heath, Director of Planning & Development
James Freas, Deputy Director of Planning & Development
Rachel Blatt, Long-Range Planner

SUBJECT: Washington Street Corridor Vision and Zoning Plan Request – Docket# 85-18

I. Overview of Request

Mayor Fuller stressed the need for Newton to pro-actively develop a community-driven vision and accompanying zoning plan for the Washington Street corridor in her inaugural remarks. Shortly after taking office, Mayor Fuller requested the Planning Department begin this effort as soon as possible in light of proposed property redevelopment requests along the corridor. Given the timeline for delivering a community plan with supporting zoning and the wide-variety skill-sets required to engage genuinely with the many stakeholders and to produce thoughtful zoning, the Planning Department in consultation with the Mayor and Executive Office concluded that a consulting contract would be both an expeditious and effective approach.

Drawing upon our department's collective in-depth knowledge of high quality design firms, with specific expertise in comprehensive planning, community engagement, architectural design and zoning, we selected the Principle Group to be interviewed. Following multiple discussions with Principle Group about our intended work product and gaining a deep understanding of their team approach, experience in other communities, proposed scope of services, and general cost parameters, we had the Principle Group in to present to the Mayor and Executive Office. After their presentation, a decision was made to initiate negotiations with Principle Group to provide a scope of services and fee to undertake the work, to be completed in a thirteen-month time period. The Planning Department met with the Principle Group on three subsequent occasions to review scope

and negotiate their fee, including utilizing a collaborative approach. The \$500,000 fee proposal represents undertaking a full scope for the project (see attached) accessing the skills and talents of the Principle Group combined with a hands-on approach from the Planning Department and shaped throughout by in-depth input by residents, businesses, and elected officials.

II. Rationale for Contracting Services

The Planning Department is fully cognizant of the requisite skills and time required to complete a vision plan and an adoption-ready zoning amendment for the Washington Street corridor. We did consider an in-house approach, but the scope of this project is unique and specialized. For example, the Planning Department does not have an architect with development expertise, which is essential for this undertaking. Nor does it have the specific skill sets to undertake real estate market feasibility, fiscal impact analysis and public improvement financing alternatives, all of which are necessary to produce a well-rounded plan. With respect to zoning, the Planning Department does not have the expertise to develop an ordinance-ready, form-based zoning code amendment, reflective of the community vision plan for the Washington Street corridor.

The Planning Department is fully capable of running a community process to engage the community as it is currently doing with the Needham Street area. However, it does not have the services of an architect on-hand to produce multiple detailed vision sketches to immediately respond to community suggestions nor the bandwidth to undertake the extensive level of community engagement (six-day charrette) as planned by the Principle Group.

It is common for municipalities to employ consultants on an as-needed basis for specialized skill sets to extend capacity and undertake multiple projects simultaneously. It is entirely appropriate for the Planning Department to hire a firm for help with a project of this size, urgency and importance. A partial list of current Planning Department projects is attached for reference.

III. Connection to Overall Zoning Redesign

The City's overall Zoning Redesign is moving forward in parallel with this effort. It is important, however, to distinguish that the goal and product of the Zoning Redesign effort will be a new baseline Zoning Ordinance, to be presented fully as a draft in the fall of this year. The need for specific zoning for the Washington Street corridor is immediate. The goal for this project is to articulate a specific vision plan for this corridor, particularly focused on the anticipated nodes of development. It is expected that the proposed zoning amendment for the Washington Street corridor can be an amendment under our current zoning ordinance and will be designed to be made part of the new ordinance once it has been enacted.

IV. **Scope of Services Sought**

To reflect the community's vision for future development along the Washington Street corridor from West Newton Square east to approximately Adams Street, the following set of services were sought:

- ❖ Architectural and Design Expertise with specialized experience in comprehensive planning and master planning and experience working with municipalities to assist in achieving development outcomes consistent with the community's vision.
- ❖ Effective and Proven Community Engagement Techniques that provide multiple opportunities for input, offer clear unambiguous plan visuals that reflect the community vision. Experience working with various point of views and building consensus.
- ❖ Team Competence and Expertise to undertake attendant issues involving many areas including transportation (all modes) and parking, real estate market feasibility, fiscal impacts, and public improvement financing.
- ❖ Zoning Code Expertise to develop adoption-ready zoning ordinance language.

V. **30B Waiver for Design Professionals**

Massachusetts State Purchasing specifically recognizes and provides for an exemption to normal purchasing requirements when it comes to procuring certain design services with architects, engineers and related professionals. The inherent rationale as stated in MGL §30B is that selection of professional services is to be based on quality rather than price, consistent with exemptions for lawyers, accountants and medical professionals. In much the same way municipalities might look to hire a known attorney with expertise in a particular field, so have we approached this undertaking by first identifying a well-suited firm and negotiating to set a fee.

VI. **Selection of Principle Group**

After identifying the scope of services sought for the Washington Street Corridor Vision and Zoning Plan, the Planning Department undertook an internal analysis and discussion of the best candidates for this work. Key considerations in identifying a potential partner included Architectural Design expertise, firm grounding in Community Engagement, Vision Plan Production, Zoning Code production and local knowledge. We were aware of the Principle Group's work in a similar capacity for the City of Somerville. Following a conversation with Somerville officials and a review of their substantial content on the Principle firm website, we focused our effort on determining whether this firm was an appropriate fit to undertake the identified scope of services. In addition, a discussion was held with the City's Chief Financial Officer to understand the cost and the City's financial capacity to invest in the services. After multiple interactions, including a well-received presentation to the Mayor and Executive Office, we asked the Principle Group to provide a fee proposed for the work. At subsequent meetings with the firm, the fee proposal and scope of work was negotiated to \$500,000, an amount that covered all of the necessary components and was within our project budget. It is our considered opinion that given the

high level of expertise required, the complexity and breadth of the project scope, the number of hours and level of engagement necessary to effectively involve the public, the fee established is appropriate.

VII. Principle Group Proposal

Attached you will find a detailed description of the planned scope of services to be provided by the Principle Group along with their detailed budget. At a base cost of \$366,260, the Principle Group is providing 2,509 hours toward this undertaking at an average of \$145/hr., which is in-line with industry standards. Additionally, the Principle Group has reserved funding in the amount of \$102,000 to employ sub-consultants in the fields of transportation/ mobility (\$50, 000), fiscal impact analysis (\$40,000) and economic analysis (\$12,000).

We have provided a number of attachments to further support this request.

Attachments

Planning Department Current Projects

Answers to Outstanding Questions (1/22/18)

Principle Group Scope of Services/Detailed Budget

Sample Work Products

Planning Department Current Team Initiatives
February 2018

- ❖ Zoning Redesign/ Zoning Discussion Series
- ❖ Needham Street Area Vision Plan/ Engagement Group Meetings
- ❖ Inclusionary Zoning Amendment
- ❖ Street Design Guide
- ❖ Austin Street Liaison Committee
- ❖ West Newton Square Streetscape
- ❖ Walnut Street Enhancement
- ❖ Crescent Street Housing and Reverend Ford Park/ Playground Expansion
- ❖ Newton Centre Parking Plan Implementation
- ❖ Needham Street Mass DOT Project
- ❖ Economic Development Strategy Plan
- ❖ Webster Woods Advisory Panel Support
- ❖ Recreational Marijuana

Outstanding Questions (1/22/18)

- Q.) What is the implicit cost of acting on the proposed vision plan and zone changes?
- a. Without a clear, well-articulated version for the anticipated nodes of redevelopment along the Washington Street corridor, the City cannot dictate what it desires in terms of future development but instead will be forced to react and decide on an ad hoc basis what is possible. The cost of not acting is not ensuring a defined outcome that would come as a result of zoning.
- Q.) What is the impact on the City's cash flow position and what are some of the other claims on Free Cash?
- a. Maureen Lemieux is best suited to answer this question. She was part of the selection process throughout and approved of the negotiated fee.
- Q.) How does this project fit with Phase II of the City's zoning reform project?
- a. This project actually fits well with respect to the overall Zoning Redesign project. Zoning Redesign will establish overall base zoning districts for areas of the City. It was likely that the Washington Street Corridor merited its own special district plan, with specific prescriptive zoning for certain parcels, that this effort will fulfill. The final zoning package for this effort will be able to work with our current ordinance as well as the new ordinance.
- Q.) This question relates to the cost inside the whole system. If the Council were to take an existing proposal that came before it, they could ask for consultant money to be paid for by the developer or could look at tax increment financing or a variety of other funding sources. This is a significant amount of money to ask to frontend as opposed to having a sense of it the City is going to recapture the money, or what is the net gain. How is the City going to recapture the money and how is it going to justify this expenditure?
- a. The expenditure of the funds now, as opposed to waiting to undertake this as part of a future project puts the City in a pro-active mode as opposed to reacting to an already preconceived project, which might be vastly different from the community's vision. In addition, part of this process will identify how best to leverage approved development to achieve community benefits.
- Q.) Given the examples that Principle Group provided in the presentation, do they have a proclivity to recommend development over non-development.
- a. The Principle Group is to be hired to undertake a community driven process to generate a vision for the Washington Street corridor.
- Q.) How does Principal Group manage very different community opinions? How do they find common ground? Do they have an example?
- a. One of the strengths of the Principle Group is their attention and effort given to the community engagement aspect of the work. They specialize in bringing concepts and ideas into physical visions so that citizens can visualize places. They also stress that the process is interactive so that ideas are constantly updated and modified to reflect prevailing sentiment.

- Q.) Can the consultants articulate their certainty that the budgeted amount is adequate? Have their past objects come in a budget?
- a. The budget developed was proposed by the Principal Group. They are aware of the budget cap and deliverables for the project.
- Q.) What is the transportation and streetscape scope of the project? What is included, and how will this piece be coordinated with past plans and current staff and community work on transportation and streetscape?
- a. The Principle Group identifies issues of transportation and parking as key to understanding community desires. They will work closely with the City's existing plans and transportation team to coordinate efforts.
- Q.) Provide a better understanding of why the Planning Department makes the decision to use outside consultants instead of developing in-house staff for these types of projects. It seems that the City should be doing more in-house. Provide detailed information on why the City needs a consultant.
- a. The Planning Department recognizes that this task is too specialized in terms of skill sets (architecture, development finance, market study) and too time-sensitive to handle in-house. The Planning Department will be working alongside the Principle Group during the entire process to assist and learn from their process. It is best and common practice for Planning Departments to seek outside assistance, when warranted, to produce certain specialized deliverables within an expedited timeframe.

Washington Street Corridor Budget 20180122

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	A	B	C	D	E	F	G	H	I	J	K	L	M
1	Washington Street Corridor Vision Plan & Zoning Code												
2	Updated: 1/20/18												
3													
4	Task	Description	Cost										
5	Task 0.0	Project Management	\$ 31,856.00										
6	Task 1.0	Existing & Emerging Conditions Research	\$ 70,336.00										
7	Task 2.0	Community Connectors	\$ 2,920.00										
8	Task 3.0	Community Crowdsourcing	\$ 21,626.00										
9	Task 4.0	Multi-Day Planning Event (Charrette)	\$ 121,290.00										
10	Task 5.0	Plan Open House (Public Draft #1)	\$ 143,336.00										
11	Task 6.0	Forums	\$ 18,456.00										
12	Task 7.0	Revise Plan & Zoning Code (Public Draft #2)	\$ 38,190.00										
13	Task 8.0	Final Plan & Zoning Code (Public Draft #3)	\$ 20,256.00										
14													
15	Team Cost		\$ 468,200.00										
16	Direct Cost		\$ 31,740.00										
17													
18	TOTAL		\$ 500,000.00										
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Description	Notes	Principle											Mobility	Fiscal	Economic	TOTALS		Total Time	Type of Work	
		Director	S. Associate III	S. Associate II	Associate I	Designer II	Designer I	Graphics	Illustrator	Logistics	Tools & Street Pl	Tischlerblase				Urban Advisors	Team Cost			Direct Cost
Project Management		210	155	155	115	95	80	80	200	65							\$ 468,260.00	\$ 31,740.00		
Setup																			18	Deliverable
Ongoing Team Coordination																			136	Deliverable
Existing & Emerging Conditions Research		5,250.00	3,720.00	1,395.00	4,255.00	2,280.00		720.00		715.00		40,000.00	12,000.00				70,335.00			
Background Information																			16	Deliverable
Prepare Analysis Maps	City provides																		8	Deliverable
Synoptic Survey	City support																		16	Deliverable
Complete Neighborhood & Placemaking Assessment																			26	Deliverable
Fiscal Impact																			14	Deliverable
Economic Impact																			14	Deliverable
Residential Market Study																			20	Deliverable
Community Connectors		1,260.00	1,240.00					180.00		260.00							2,920.00			
Organize Connector Group	City takes on																		0	Public Engagement
Communication Platform	City takes on																		0	Public Engagement
Community Connectors Workshop																			14	Public Engagement
Community Crowdsourcing		7,560.00	8,625.00			1,520.00		840.00		3,380.00							21,625.00	1,850.00		
Campaign Branding																			26	Public Engagement
Branding Test																			4	Public Engagement
Marketing Collateral & Launch Public Campaign	City takes on																		0	Public Engagement
Facebook Setup	City takes on																		0	Public Engagement
Marketing Copy	City takes on																		0	Public Engagement
Media Partners	City takes on																		0	Public Engagement
Press Release	City takes on																		0	Public Engagement
Print Marketing Collateral																			3	Public Engagement
Community Connector Media Kit	City takes on																		0	Public Engagement
Distribute Launch Materials	City takes on																		0	Public Engagement
Media Outreach	City takes on																		0	Public Engagement
One on One Interviews																			52	Deliverable
Interview Summary																			26	Deliverable
Community Crowdsourcing Public Workshop																			20	Public Engagement
Multi-Day Planning Event (Charrette)		14,070.00	11,935.00	11,625.00	7,475.00	8,380.00	5,200.00	2,800.00	13,000.00	8,825.00	40,000.00						121,200.00	27,000.00		
Charrette Coordination																			32	Deliverable
Organize Focus Groups & Schedule																			21	Deliverable
Coordinate Charrette Team																			17	Deliverable
Visioning Prep	Move to C																		30	Deliverable
Multi-Day Planning Event																			475	Public Charrette
Plan Open House (Public Draft #1)		10,290.00	39,525.00	34,410.00	12,850.00	14,250.00	8,000.00	8,000.00	9,000.00	2,210.00	5,000.00						143,335.00	800.00		
Internal Draft Corridor Plan & Zoning Code																			655	Deliverable
Plan & Code Review Coordination																			30	Deliverable
City Interdepartmental Review																			8	Deliverable
Open House Production																			4	Public Engagement
Produce Open House Gallery																			25	Public Engagement
Process Open House Results																			30	Public Engagement
Edit Corridor Plan & Zoning Code																			60	Deliverable
Publish Public Draft #1 of Plan & Zoning Code																			4	Deliverable
Forums		1,680.00	6,200.00	3,100.00	4,600.00	1,600.00				975.00							16,455.00			
Organize & Host Zoning Code Forums																			120	Public Engagement
Organize & Host Vision Plan Forums	City takes on																		15	Public Engagement
Organize & Host Technical Forums	City takes on																		0	Public Engagement
Revise Plan & Zoning Code (Public Draft #2)		4,200.00	8,835.00	8,835.00	5,520.00	4,370.00				1,430.00	5,000.00						38,100.00			
Process Public Comments & Edit Drafts																			104	Deliverable
Client Team Workshop and Final Edits																			30	Deliverable
Post Public Draft #2																			6	Deliverable
Final Plan & Zoning Code (Public Draft #3)		2,730.00	6,665.00	5,890.00	2,300.00			720.00		1,950.00							20,255.00	2,000.00		
Host "Decision Workshop"																			16	Deliverable
Coordinate Printer																			9	Deliverable
Final Copy Editing & Production																			60	Deliverable
Packaging & Posting Final Documents																			25	Deliverable
Total Person Hours		265	685	414	301	329	165	184	110	413	0	0	0							
Total Fee per Person		\$ 58,800.00	\$ 103,695.00	\$ 65,410.00	\$ 36,915.00	\$ 32,775.00	\$ 13,200.00	\$ 13,120.00	\$ 22,000.00	\$ 20,345.00	\$ 80,000.00	\$ 40,000.00	\$ 12,000.00							

SUMMARY BY COMPANY	
Principle	\$ 366,260.00
Mobility	\$ 50,000.00
Fiscal	\$ 40,000.00
Economic	\$ 12,000.00
Direct	\$ 31,740.00
TOTAL	\$ 500,000.00



NEWCASTLE, MAINE CHARACTER-BASED CODE

**PUBLIC DRAFT
06.30.2017**

CONTRIBUTORS

NEWCASTLE LOCAL STEERING COMMITTEE

ALSO A THANKS TO THE FOLLOWING CONTRIBUTORS.

The Newcastle Character-Based Code is the result of a collaborative effort led by MAINE DESIGN WORKSHOP & PRINCIPLE.

**Vanessa Farr, Maine Design Workshop
Sara Sremac, Maine Design Workshop
Russell Preston, Principle
Scott Douglass, Principle
Kara Wilbur, Principle
Irene Miller, Principle**

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7. Village Center (CD5)

SPECIAL DISTRICTS

1. Highway Special District (SD-H)
2. Campus Special District (SD-C)
3. Marine Special District (SD-M)
4. Fabrication Special District (SD-F)
5. Civic Space (SD-CS)

BUILDING TYPES

1. Country House
2. Small house
3. House
4. Bungalow
5. Duplex
6. Apartment House
7. Small Apartment Building
8. Apartment Building
9. Townhouse
10. Live/Work Flex
11. Inn
12. Shop
13. Shophouse
14. Mixed-Use Building
15. Lined Parking Garage
16. Fabrication Building
17. Civic Building

ACCESSORY BUILDINGS

1. Barn
2. Farmstand
3. Back cottage
4. Garage
5. Fabrication Shop
6. Accessory Shop

COMPONENTS

1. Porch
2. Gallery
3. Side Wing
4. Rear Addition
5. Stoop
6. Connector
7. Cross Gable
8. Penthouse
9. Shed Dormer
10. Dormer Window
11. Bay
12. Balcony
13. Extended Shopfront
14. Turret
15. Arcade
16. Porte-Cochere
17. Portico
18. Canopy
19. Deck
20. Tower
21. Roof Deck
22. Cupola

CIVIC SPACES

1. Regional Park
2. Recreation Fields
3. Greenway
4. Community Park
5. Neighborhood Park
6. Public Common
7. Public Square
8. Green
9. Plaza
10. Pocket Park
11. Playground
12. Dog Park
13. Community Garden
14. Court
15. Landmark

THOROUGHFARES

1. Rural Road
2. Road
3. Natural Lane
4. Paved Lane
5. Curbed Lane
6. Opportunistic Street
7. Yield Street
8. Neighborhood Street
9. Thin Commercial Street
10. Commercial Street
11. Shared Street
12. Avenue
13. Parkway
14. Footpath
15. Crossweave

BIKEWAY TYPES

1. Paved Shoulder
2. Shared Use Path
3. Neighborhood Greenway
4. Shared Use Lane
5. Buffered Bike Lane
6. Protected Bike Lane

SIGNAGE

1. Address Sign
2. Yard Sign
3. Plaque Sign
4. Multi-Business Sign
5. Canopy Sign
6. Suspended Sign
7. Sidewalk Sign
8. Window Sign
9. Outdoor Display Case
10. Blade Sign
11. Awning Sign
12. Vertical Banner Sign
13. Band Sign
14. Marquee Sign
15. Wall Mural
16. Roof Sign

ARTICLE 1 GENERAL PROVISIONS

PURPOSE

- To implement the Comprehensive Plan of the Town of Newcastle.
- To coordinate development and redevelopment according to plans collaboratively developed with community members from the Town of Newcastle.
- To equitably balance the regulation of real property with the interests of the community as a whole.
- To preserve and enhance the existing character of Newcastle's traditional walkable villages, to continue to promote neighborly activity, respect the existing built form, and honor the historic development pattern inherent in the villages.
- To protect and enhance unique ecological habitats, including Damariscotta Lake, the rivers, Great Salt Bay, and Deer Meadow Brook.
- To conserve and enhance human access to Newcastle's greatest amenities, the rivers, marshes, forest, farms, and other natural areas.
- To require a strong connection and appropriate transition between the public realm (streets and sidewalks) and the private realm (yards and buildings).
- To promote the adaption and preservation of existing buildings.
- To permit redevelopment and infill construction that contributes to and preserves the character of Newcastle.
- To provide a range of housing types, unit sizes, and price points to accommodate diverse household sizes, income levels, and stages of life, paying particular attention to affordable housing to individuals and families with low and moderate incomes.
- To capture a fiscal return on investments made in transportation and public utilities infrastructure by locating higher intensity development within walkable villages.
- To preserve and promote a full range of thoroughfare types, including narrow, low-impact, and inexpensive streets that promote Newcastle's village and rural character.
- To resolve design conflicts between vehicular and pedestrian movement in favor of the pedestrian.
- To preserve and enhance the availability and design of Newcastle's public realm, including access to nature, parks, streets, and other civic space.
- To allow for a range of business activity that supports the local interest in promoting Newcastle as a center for entrepreneurial activity, both in the villages and rural areas.

APPLICABILITY

- Unless otherwise specified, this Ordinance is applicable throughout the Town of Newcastle as shown on the Town of Newcastle Official Zoning Map.
- All departments, boards, and authorities of the Town of Newcastle must comply with the procedural requirements of this Ordinance.
- Real property used or occupied by the Town of Newcastle is exempt from the provisions of this Ordinance.
- Real property used or occupied by the State of Maine is exempt from the provisions of this Ordinance.



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Article 1 General Provisions

1. CODE INSTRUCTIONS

A. TITLE

- 1. This Ordinance is known as the "Municipal Land Use Ordinance of the "Town of Newcastle" and may also be cited and referred to as the "Town of Newcastle Land Use Ordinance."

B. MEANING & PURPOSE

- 1. Words, phrases, and terms used in this Ordinance are defined in Article 7: Definitions.
- 2. Words, phrases, or terms not defined in this Ordinance must be accorded their commonly accepted meanings as defined in the most recent edition of the Webster's Unabridged Dictionary.
- 3. The terms "standards," "regulations," and "requirements" are used to mandate a specific course of action or built outcome.
- 4. The words "must," "will", and "may not" are mandatory and when used require compliance with standards, regulations, and requirements of the Ordinance.
- 5. The words "may" and "should" are permissive.
- 6. The words "building", "building type", "land", "lot", "building lot", "parcel", "premises", "site", "structure", and "thoroughfare" also refer to any portion thereof.
- 7. The word "description" is synonymous with "definition" when used in this ordinance.

C. TEXT & GRAPHICS

- 1. Illustrations, graphics, pictures, and flowcharts are included in this Ordinance to help illustrate the purpose and requirements of the text. In the case of a conflict between the text of this Ordinance and any illustration, graphic, picture, or flowchart, the text must govern.
- 2. All metrics included in tables must be interpreted as text under this Ordinance and must govern.

D. ORGANIZATIONAL STRUCTURE

- 1. The burden is on the applicant for complying with all the terms of this Ordinance.
- 2. All of the terms in this Ordinance are legally binding, whether or not they are numbered. Purpose and Applicability sections are binding regulations.
- 3. Descriptions provided within this Ordinance are considered to be definitions and are legally binding.

2. ZONING MAP

- 1. The boundaries of districts are applied to real property as shown on the Official Zoning Map of the Town of Newcastle, Maine.
- 2. This map may be cited and referred to as the "Official Zoning Map" or "Zoning Map."
- 3. District boundary lines are intended to follow lot lines, be parallel or perpendicular to them, and follow centerlines of private rights-of-way or public thoroughfares, as indicated on the Zoning Map.
- 4. Where the Zoning Map indicates a District boundary line that approximately coincides with a lot line, the lot line is the official boundary between Districts.
- 5. Where the Zoning Map indicates a district boundary line that divides a platted lot or undivided parcel of land, the boundary between districts must be determined using the scale of the Official Zoning Map.
- 6. Lots divided between two or more character districts must observe the rules of the most restrictive district across the entire lot.
- 7. Special Requirements are shown on the Zoning Map as a line that applies to abutting parcels, which are regulated according to the standards contained in this Ordinance.

Article 1 General Provisions

3. AUTHORITY & COMPLIANCE

A. AUTHORITY

- 1. This Ordinance is adopted under the authority granted by Article [REFERENCE TO LOCAL ORDINANCE].

B. COMPLIANCE

- 1. No real property may be occupied or used, no use of an existing building or land may change, no building or structure may be constructed, altered, expanded, or enlarged in whole or in part for any purpose except as specifically authorized by this Ordinance.
- 2. This Ordinance allows waivers from the provisions of this Ordinance if the Code Enforcement Officer determines that:
 - a. Allowance of the waiver is consistent with the purpose of this Ordinance; and
 - b. The waiver does not exceed the allowed metric variations or qualitative criteria described in the section where the waiver is authorized.
- 3. Allowance of a waiver under this Ordinance is considered an integral part of the application of this Ordinance and is not considered the granting of a variance, as that term is defined under Maine law.

C. RELATIONSHIP TO OTHER PROVISIONS

- 1. This Ordinance does not abrogate, annul, or otherwise interfere with any easement, covenant, and/or other private agreements.
- 2. Where the provisions of this Ordinance impose a greater restriction than required by other ordinances, regulations, resolutions, rules, easements, covenants, or agreements, the provision of this Ordinance must apply.
- 3. The provisions of this Ordinance must take precedence over those of other codes, ordinances, regulations, and standards that may be in conflict with this Ordinance.
- 4. All development activity must comply with relevant Federal and State law and regulations. Where the provisions of this Ordinance impose a greater restriction than required by Federal or State law, the provisions of this Ordinance must apply unless otherwise prohibited by law.

4. ADOPTION & EFFECT

A. ADOPTION DATE

- 1. This Ordinance is adopted under the Municipal Home Rule Powers of the Maine Constitution, Article VIII-A and 30-A MRSA Chapter 141, and Chapter 187. Specific chapters of this Ordinance are also adopted under specific statutory provisions, including Mobile Home Parks, under 30-A MRSA Section 4358; Subdivisions, under 30-A MRSA Section 4404; Shoreland Standards, under 38 MRSA Sections 435449, and Floodplain Management, under PL. 90-488, the National Flood Insurance Act of 1968.

B. IN EFFECT

- 1. This Ordinance must take effect upon its passage and supersedes the Zoning Ordinance of the Town of Newcastle as enacted on March 27, 2001 and updated June 2013.

C. CLAIM OF INVALIDITY

- 1. No claim of invalidity of this Ordinance must be made in any legal proceeding after 90 days have passed following the publication of notice of adoption.
- 2. Notice specifying the court, parties, claim of invalidity, and date of filing must be submitted to the Board of Appeals within 7 days after commencement of such action.

D. PREVIOUS APPROVALS

- 1. All valid permits issued on or before the date of adoption of this ordinance will remain valid.

E. SEVERABILITY & INVALIDITY

- 1. If any provision of this Ordinance or the application of any provision to any person, partnership, corporation, or circumstance is declared unconstitutional or otherwise held invalid, the validity of the remaining provisions of this Ordinance and their application to any other person, partnership, corporation, or circumstance must not be affected.

Article 1 General Provisions

EXHIBIT 1.1 NEWCASTLE ZONING MAP

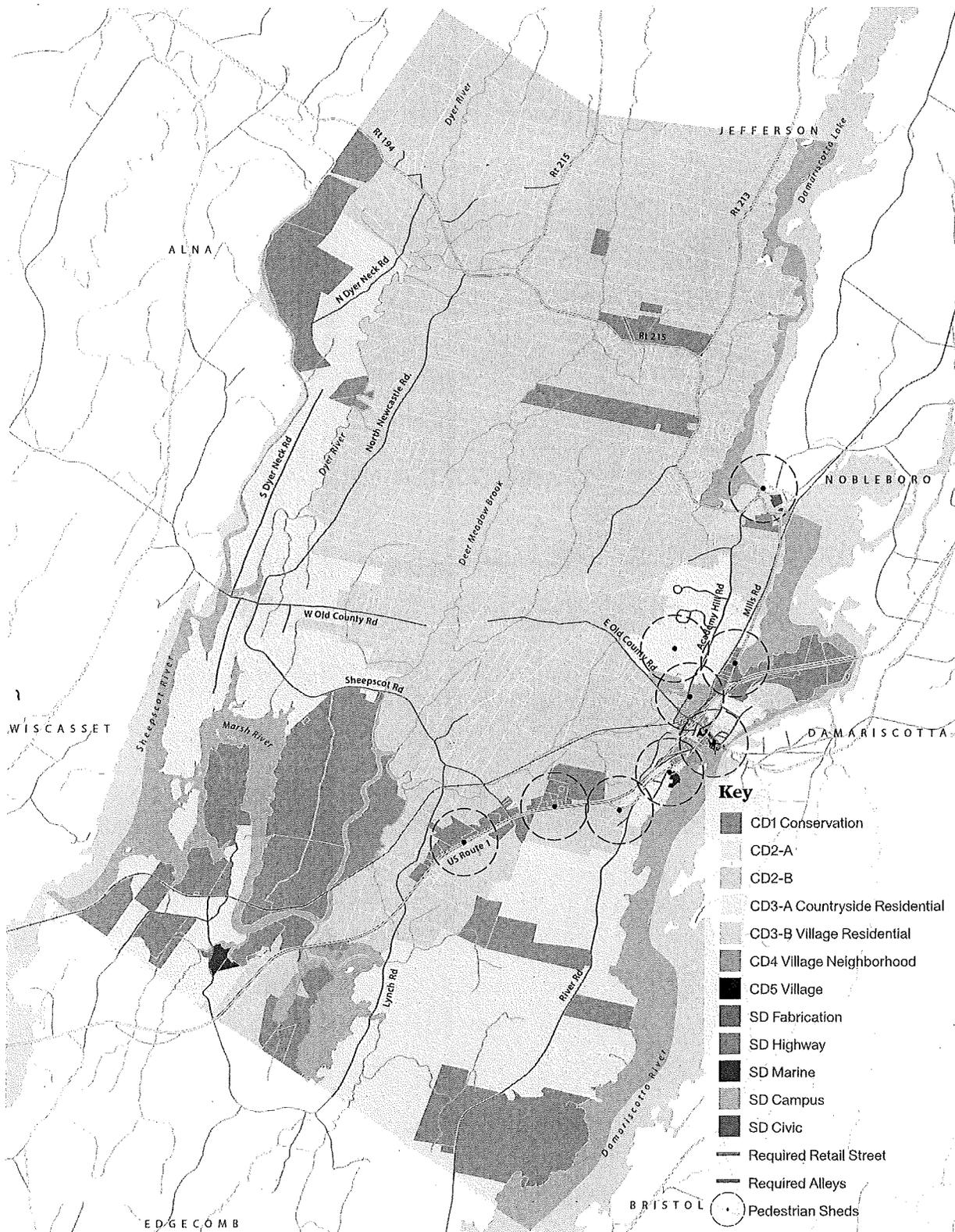


EXHIBIT 1.2 NEWCASTLE ZONING MAP INSET

