

**AN ORDINANCE PERTAINING TO THE REPEAL OF ADDITIONAL STANDARDS
FOR LARGE SCALE RETAIL DEVELOPMENT**

THE CITY OF LEWISTON HEREBY ORDAINS:

APPENDIX A

ZONING AND LAND USE CODE

Article XIII. Development Review and Standards

Sec. 14. Reserved. ~~Additional standards for large-scale retail development.~~

~~In addition to the criteria set forth in article XIII, section 4, applications for large-scale retail development as defined below, shall meet the following additional standards of this section.~~

~~(a) — Purpose. The State of Maine passed the Informed Growth Act (30-A MRSA Chapter 187, Sub-Chapter. 3-A) to add additional development review criteria that evaluate the economic impact of large-scale retail development. Subsection 4371 of the Informed Growth Act provides an exemption to municipalities that have (adopted economic and community impact review criteria that apply to large-scale retail development land use permit applications and that require a study of the comprehensive economic and community impacts of the proposed large-scale retail development for consideration among other evidence in applying the review criteria to the application. (The following ordinance provisions meet that criteria, exempting large-scale retail projects proposed in Lewiston from 30-A MRSA Chapter 187, Sub-Chapter. 3-A.~~

~~(b) —
Definitions:~~

- ~~(1) — Comprehensive economic impact area means the geographic area affected by a proposed large-scale retail development. The area includes Lewiston and may include abutting municipalities.~~
- ~~(2) — Comprehensive economic impact study means a study that estimates the effects of a large-scale retail development on the local economy, downtown and community. It will identify the economic effects of large-scale retail development on existing retail operations; supply and demand for retail space; number and locations of existing retail establishments where there is overlap of goods and services offered; projected net job creation/loss; projected net retail related payroll increase/decrease; captured share of existing retail sales; sales revenue retained and reinvested in the comprehensive economic impact area; municipal revenues generated; increased municipal costs caused by the development's construction and operation, including municipal costs of roads, water, sewer, police and fire; and the costs or return on investment of any public subsidies including tax-increment financing; and public water, sewer and solid waste disposal capacity.~~
- ~~(3) — Land use permit means approval granted by the planning board for major developments pursuant to article XIII, subsections 3(b) and (c) of this Code. This~~

- definition of land use permit applies to any large-scale retail development approved by the planning board prior to September 20, 2007.
- (4) ~~Large-scale retail development means any single retail business establishment having a gross floor area of 75,000 square feet or more in one or more building at the same location and any expansion or renovation of an existing building that will result in a single retail business having a gross floor area of 75,000 square feet or more except when the expansion or renovation is 20,000 square feet or less.~~
- (c) ~~Preparation of comprehensive impact study. As part of its review of a land use permit application for a large-scale retail development the planning board shall require the preparation and submittal of a comprehensive impact study.~~
- (1) ~~Qualified preparer. A comprehensive economic impact study must be prepared by a person or firm, other than the applicant, that is qualified by education, training and experience to prepare such a study.~~
- (2) ~~Selection of preparer. The applicant shall choose the preparer and directly pay the preparer for their services.~~
- (3) ~~Peer review. The city may choose to have the study peer reviewed, at the applicant's expense, by a consultant of the city's choice.~~
- (d) ~~Public hearing.~~
- (1) ~~Public hearing required. As part of the development review process the planning board shall provide the public with at least one public hearing to be heard prior to the approval of a land use permit for a large-scale retail development.~~
- (2) ~~Notice. Notice of the public hearing on the land use permit application for a large-scale retail development must state that the comprehensive economic impact study will be presented at the hearing and that the planning board will take testimony on the comprehensive impact of the proposed project. The notice shall advertise said public hearing in a newspaper of general circulation in the city at least two times, the date of the first publication to be at least six days prior to the date of the hearing. Notice of the hearing will be sent by regular mail to abutters within 1,000 feet of the proposed development and to the municipal officers of abutting municipalities.~~
- (e) ~~Land use permit process approval. The applicant must complete and submit for planning board review and findings a comprehensive impact study. At the applicants option, the study can be completed and submitted for planning board review and determination prior to or concurrent with other development review criteria set forth in article XIII. If the study is submitted independently of other development review criteria, the development review process will be a two-step process. Each step of the two-step processes must meet the above referenced notice requirements.~~
- (f) ~~Land use permit approval. In addition to other applicable development review criteria required by this Code, the planning board shall evaluate the impacts of the proposed large-scale retail development based on the comprehensive economic impact study, other materials submitted to the planning board by the city's peer review consultant, and other persons and entities, including the applicant, state agencies, nonprofit organizations and~~

~~members of the public; and testimony received during the public hearing to determine whether the overall negative effects of the proposed project outweigh the overall positive effects. The planning board may deny the land use permit on the basis of economic impact only if it determines that there is likely to be a significant adverse impact.~~
(Ord. No. 08-03, 5-15-08)

REASON FOR PROPOSED AMENDMENT

The Informed Growth Act (IGA) enacted by the Legislature in 2007 mandated local planning board review of “big box” retail development based on its potentially adverse economic impact.

Public Law 2011, c. 89 (eff. September 28, 2011) amends the IGA to make local participation voluntary. The IGA does not apply now unless a municipality adopts an ordinance specifically adopting the provisions of 30-A M.R.S.A. §§ 4365-4372 by reference. Lewiston adopted additional standards in May 2008 for large scale retail development working to make the mandated State regulations as business friendly as possible while still being defensible as substantially similar.

With the State repeal of this mandate, this amendment will repeal a no longer required local ordinance. Developments of this size and scope will remain subject to approval from Lewiston Planning Board and our local development review ordinances and other applicable sections of the Zoning and Land Use Code.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

Review permitting and licensing policies and practices to see where they can be streamlined in order to better service the development community. . . (See Economy, Policy 1, Strategy C, p 39).