**Land Use Ordinance**

**Anticipated Questions and Answers**

1. **What is the purpose of the Land Use Ordinance?**

*To organize and manage the growth of the town for the good of all citizens.*

1. **Why do we need a Land Use Ordinance?**

*To protect the character of Bridgton, while allowing people to use and develop their properties for enjoyment, investment, and other uses.*

1. **What I do if I plan to build a home or open a new business?**

 *You would go to the Town Office, and speak with the Code Enforcement Officer, who will provide you with the proper applications and guide you through the process.*

1. **Why are there nine districts?**

*These districts, this many, imagined in the Comprehensive Plan, were the result of the Committee’s extensive review of the land. As a result of this review two districts were added.*

1. **How were the districts determined?**

*Starting with the Districts in the Future Land Use Plan in the 2014 Comprehensive Plan, both the physical character and the historical development patterns of the town were studied. As a result of this study, some changes were made in the boundaries of the districts.*

1. **Where are the districts?**

*The districts are located across the entire Town, with every lot being in one or another. See maps.*

1. **What happens if a lot lies within more than one district?**

*The districts have been drawn around lot lines and there is no incidence of this at this time to our knowledge.*

1. **What happens if a lot is sub-divided?**

 *In the event that there is any question of what district either part of a sub-divided lot falls in, the Planning Board will decide.*

1. **Why is there a residential requirement of 5 ac in the Outer Corridor?**

 *To protect residences from surrounding commercial development.*

1. **How were uses determined, and why?**

*Uses were determined through exhaustive review and research, and with respect for the independent spirit of Mainers. Research included review and analysis of other Towns’ uses in the region, as well as study of Use-based zoning in a broader sense.*

1. **Why do you say what is allowed instead of what is not allowed?**

*The Committee took a positive, proscriptive approach whenever possible in the Ordinance, and acted on advice to do so for uses especially. Additionally, Maine law requires we list allowable uses.*

1. **Where in the Ordinance does it say retail must be on 1st floor of Main St buildings?**

*In the LUO, on pg. 13 in the Purpose statement, Article II, Sec. 2. A.1. This type of requirement is already in the Site Plan Review, Article X, Section 2., Item 3.*

1. **Can a contractor store heavy equipment at his home or at a rural business location in Rural Neighborhood?**

*Yes.*

1. **How does shoreland zoning affect the Ordinance?**

The *Shoreland Zone is an overlay district, whose boundaries lay along all of Bridgton’s lakes and streams. The Lakeside Neighborhood District is located under all of Shoreland Zone and beyond the Shoreland Zone overlay in many places.*

1. **Why is shoreland not a district?**

*Shoreland Zoning is an existing overlay zone, mandated by the State. It supersedes all of our other ordinances.*

1. **Why is a group home greater than 6 limited to a few districts?**

*We selected districts in which it was compatible with pre-existing uses and structures.*

1. **What does “grandfathered” mean?**

*A use, structure or lot that became non-conforming at the passage of the LUO and is still allowed to exist.*

1. **What does “nonconforming” mean?**

*When a Use, Structure, or Lot does not meet the requirements of the District it is in, it is nonconforming.*

1. **What is an outer village?**

*Small village nodes outside of Bridgton’s center are called Outer Villages; these include North Bridgton and South Bridgton*

1. **Where do I go to find out what District my property is in?**

 *The Official Land Use District Maps of Bridgton are available from the Town Clerk and /or Code Enforcement Officer in the Town Office.*

1. **Why zoning?**

 *Zoning is an important tool for protection of properties from undesired development and for encouragement of desired development.*

1. **Where did administration and enforcement (Articles 4 and 5) sections come from?**

*These sections came from other pertinent ordinances in Bridgton.*

1. **Since Outer Corridor Minimum lot size is 80,000 sq. ft., what happens if my lot is smaller on day of enactment of Ordinance?**

 It will be *grandfathered and will be nonconforming because of lot size.*

1. **When passed, when and to what permits does LUO apply?**

*See Article I, section 3., p 1 & 2. Only applies to permits taken after the passage of the LUO.* The LUO will apply to all development, residential, commercial and retail.

1. **Page 8, C, 2 (1st paragraph)—Does this mean that the nonconforming use can be expanded by building an addition?**

*Yes, provided the setback requirements are met to the greatest extent possible.*

1. **Why is expansion of nonconforming use in existing building limited to 10%?**

*To limit the impact of the nonconforming use on a neighborhood.*

1. **What are the expansion limitations on nonconforming residential structures?**

 *There are none* *in most Districts.* *There are requirements in the Shoreland Zone which would affect those overlay areas of the Lakeside Neighborhood*

1. **What are the rules for nonconforming lots?**

*See pg. 5.* *Lots not adjoining another parcel which become non-conforming, may be built on without a variance. In some cases, adjoining lots must be combined to meet lot size requirements; and lots may be divided or re-divided under certain circumstances.*

1. **Why min 60,000 sq. ft. residential lot size in Lakeside Neighborhood?**

*Larger lots resulting in lower density helps to protect watersheds in these Lakeside Neighborhood areas.*

1. **Why in Rural Neighborhood min lot size:**
	1. Retail 40,000 sq. ft. but retail is not an allowed use. *Retail 1500 square feet or less is an allowed use.*
	2. Non retail 80,000 sq. ft. What is non retail? *Other commercial uses, such as Agriculture, a Campground, or a Community Center.*
2. **Can the Planning Board modify land use standards in Article 2.?**

 If so, when and with what limits? *No, this is only done by the Appeals Board. See page 90-95, Article V, Section 4. B.*

1. **What is an example of possible Appeals Board modification?**

*Upon written request, the Appeals Board may grant a waiver to modify the setback requirement because of the limitations of a steep grade.*

1. **Outer Corridor: Will the requirement to have a setback from Rt 302 hurt my business?**

(parking lot in back, buffer fronting Rt 302). What is the advantage of these requirements for Bridgton? *Most structures are currently observing the setback from Rt. 302. The requirements are intended to continue the current pattern of natural buffer along this entryway into town. This was a goal stated in the Comprehensive Plan.*

1. **Why can't I have a house on Main Street?**

 *You can. Existing homes on Main Street are grandfathered and can continue to be homes, ground floor included, as a non-conforming use. Only if the use is changed to commercial on the ground floor, will it then have to continue to conform as such. New construction in DVB-I must conform.*

1. **What is the General Development District?**

 **What is allowed there?**

 *General Development Districts I and II are extra overlays to Shoreland Zoning granted by the DEP, to allow more robust development along the waterways in the middle of Bridgton’s downtown.*

1. **Can't we use a simpler word than "fenestration"?**

 **Why should I vote for something I can't understand?**

*Fenestration is a one-word term meaning windows and doors you can see through. It is difficult to think of another term for this. Proper proportions of fenestration result in a more appealing and accessible building. And, besides, defenestrate means “to throw someone out a window”.*

1. **Can someone open a marijuana home business in my neighborhood?**

*Marijuana Home businesses are considered retail businesses and are not allowed at this time. Registered caregivers are allowed. No marijuana establishments, of any kind, are permitted in Bridgton as the Town has not “opted in”, as required by Maine State law. The Planning Board has completed a separate ordinance permitting Medical Marijuana, which is intended to go to vote in November 2019.*

1. **How does this zoning protect my property value?**

*Zoning allows for* predictability*, which is a good thing for property values, especially regarding undesired uses, and will attract growth best suited to certain areas.*

1. **Can I expand my auto repair business?**

 **I am in the Outer Corridor. How much can I expand it by?**

*Yes. You must comply with setback requirements.*

1. **Why is this ordinance so long and complicated?**

 I need an engineer just to understand it. I just need to build a simple structure out in a 10-acre field. *Most property owners will use just the section for the district their property is in, which is 7-10 pages long including diagrams for ease of understanding. These 7-10 pages clearly and comprehensively describe the uses and standards for each district in a consistent manner. However, the document must also include all the required legal sections for a municipal ordinance, such as Administration, Authority, Non-conformance, the Appeals Process, and Definitions.*

1. **What is an overlay zone?**

*An overlay district or zone applies an additional layer of standards to all areas within a defined overlay boundary, regardless of the underlying base zoning district.*