

Summary of Consolidated Land Use Code

What it is: the Consolidated Code of Land Use Ordinances combines the following into one document: Land Use Ordinance, Site Plan Review Ordinance, Shoreland Zoning Ordinance Building/Plumbing/Razing Ordinance, and Subdivision Regulations

Objective: Consolidate and reconcile ordinances to provide a more user-friendly document (eliminate “legalese”; reorganize to make it flow better) and to enable a more efficient and cohesive review process, with all requirements in one document. Resolve conflicts between different ordinances; consolidate definitions into one set; update shoreland zoning ordinance to comply with state law; update other sections to be current with state law and case law; resolve any major gaps.

Process:

- A. Staff with input from various sources compiled a list of issues, desired changes, etc.
- B. Legal drafted part 1 of Consolidated document
- C. Planning Board and staff review started in mid -December of draft 1, followed by draft 2, draft 3, and draft 3.1. These were reviewed over 5 workshops, including legal attendance and input. Objective was to consolidate, eliminate redundancies, simplify, etc., for ease-of-use, clarity, efficiency, and to reconcile conflicts and discrepancies between ordinances *while minimizing substantive changes to review criteria or the review process.*
- D. Final draft prepared 7/13 for 7/20 joint workshop review with BOS and public

Anticipated schedule for November warrant:

- July 20 - joint workshop review
- July 21 - August 8 - legal incorporates any edits and finalizes document for warrant.
- August 9 week - Planning Board Public Hearing
- August 24 - delivery to BOS for placement on warrant

Overall Improvements:

Please note, the list below and the tables following this, are not a comprehensive summary of the changes, but rather highlight the key ones.

- A. Consolidated and reconciled redundant sections: Administration, Authority, Applicability, Enforcement, Performance Guarantees, Definitions, Purposes, Appeals, Variances and Waivers, Amendments, Notices, Non-conformance, etc. Streamlined legal section.
- B. Clarified review authorities (e.g. PB or CEO or BOA).
- C. Put all dimensional standards in one place for easier use
- D. Put all land uses into two tables (land use districts and shoreland zoning districts) for easier use
- E. The application submission, review, approval, and permitting processes have been clarified.
- F. Variance and waiver provisions have been consolidated, reconciled and clarified.

- G. Public hearing notices changed to be published once as opposed to twice (where statutory requirement is once).
- H. Paper copies required for applications were reduced from eight to one, electronic copies instead. (Engineering drawings will still be provided as full-size paper copies).
- I. Added missing or needed definitions; harmonized duplicative and conflicting definitions
- J. Clarified and reconciled requirements for “substantial start” and “substantial completion” of a development project.
- K. Appendix with all cross-referenced guidance documents will be added
- L. Single document is now estimated to be 170 pages versus over 200 pages of individual ordinances.

The following pages include tables listing the key proposed amendments to the individual ordinances, as a result of reconciling, consolidating, and improving each ordinance. In each table, “May” means proposed change is optional per the State (DEP, statutes, etc.); “Must” means proposed change is required per State (DEP, statutes, etc). “PB Y/N” is Planning Board consensus recommendation. “Too substantive” as a reason for not adopting an amendment indicates broader and more informed discussion /analysis is recommended.

Summary of Proposed Land Use Ordinance Amendments

Proposed Revision or Amendment	Must	May	PB Y/N	Why
Remove redundancy and clarify District Purpose and District Description paragraphs; put together in one section		X	Y	Ease-of use and clarity
Incorporate reviewing authority into the Allowed Uses table; removed redundant "Allowed Uses " text from each district		X	Y	Ease-of -Use; simplicity; clarify what is a zoning provision
District dimensional standards consolidated into a table and the corresponding redundant text in each district is removed		X	Y	Ease-of use and clarity
Correct mistakes on frontages requirements for IC and OC districts	X			Align with original intent
Allow disability variances		X		Reasonable flexibility
Unify/consolidate district-specific dimensional standards		X	N	Too substantive; defeats intent
Unify/consolidate district-specific space and bulk standards (facade, street wall, sidewalks, garages/ parking, landscaping requirements across districts)		X	N	Too substantive; defeats intent
Delete "10% interior expansion of non-conforming use", replace with language covering interior and exterior expansion		X	Y	Eliminate unfair clause and reduce confusion.
Allow 20% set-back variances if abutters agree		X	N	Should go to BOA, too much flexibility
If more than one structure or use on a lot, all must comply with dimensional standards		X	Y	Follows intent; resolves loophole; CEO cites need
Consolidate District-specific curbs cuts		X	Pending	Ease-of- use; uniformity; too much variation between districts?
Clarify and standardize verbiage for Sidewalk and Corner lot standards				Simplicity; avoid confusion
Incorporate June voter amendments	X			Voter approved; more flexibility
Clarify and expand waiver provisions, where lawfully possible		X		Flexibility to address case-by-case issues

Summary of Proposed Site Plan Review Ordinance Amendments

Proposed Revision or Amendment	Must	May	PB Y/N	Why
Change Department Review to CEO Review	X		Y	Statute requirement; Depts. not authorized as a review authority; Depts will continue to provide impact statements
Site Plan approval needed for a change in character, amount, or intensity of Use		X	Y	Prevent undesired creep post-approval
CEO (only) approval of PB-approved site plans to be stated as <i>cumulative</i> over 5 year period		X	Y	Close loophole allowing major expansion over 5 year period w/o PB review
Categorize applications into “major development” and “minor development”		X	N	Adds a step, adds time, little or no benefit
Add “Completeness Review” description and definition	X?		Y	Helps applicants and Board; clarity;
Eliminated “harmonious” from Compatibility standard		X	Y	Too subjective; standard already specifies multiple “compatibility” requirements.
Eliminated “must not rise is sight above the Main Street church steeple” from Compatibility standard		X	Y	Confusing; difficult to measure; covered by height requirements.
Soil survey submission must adhere to “Guidelines for Maine Certified Soil Scientists for Soil and ID Mapping”	X		Y	Current requirement outdated
Eliminate ADA Compliance standard		X	Y	Covered by Federal law; varies based upon project and Use
Delete special dimensional requirements	X		Y	Conflicts with LUO
Add decommissioning plan to submission requirements		X	Y	Protects Town
Add clause to traffic standard to prevent impact to adjoining municipality if project partially located in such		X	Y	Fairness and cooperation
Clarify that no impervious surfaces are allowed in the set back areas.	X		Y	Eliminate confusion/conflicts
Incidental changes to Site Plan approvals may be approved by the CEO		X	Y	Efficiency

Summary of Proposed Shoreland Zoning Ordinance Amendments

Proposed Amendment	Must	May	PB Y/N	Why
Minimum lot size from 50,000 to 40,000 sq. ft.		X	N	Too substantive
Eliminate 70% lot coverage in General Development districts		X	N	Too substantive
Minimum set-back from 112 ft to 100 ft for structures from GPA		X	N	Too substantive
Minimum set-back from 100 to 75 ft for certain wetlands		X	N	Too substantive
Eliminate Sedimentation and Erosion Control District		X	Y	Redundant
Clarify that dimensional requirements apply to multiple principal structures on the same lot		X	Y	Close loophole
Consolidate GDI and GDII		X	N	Too substantive
Drop one class of wetlands if no longer called out by DEP (Resource Protection district wetlands associated with Great Ponds and Rivers)		X	Y	Not needed
Change approval for Aquaculture Use from “yes” (no permit required”) to “PB” (Planning Board approval)	SP, RP, and LR districts	LC, GD, C FMA districts	Y	May be substantial development
Add provision for a cantilevered deck over a river in a downtown revitalization project, in accordance with 38 MRSA 439-A (4-B)		X	Y	Reasonable, retains intent
Allow damaged or destroyed public utility lines to be replaced or reconstructed w/o/ a permit		X	Y ¹	Efficiency
Update point system for selective cutting of trees		X	Y ²	Helpful
New section regulating “Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal”	X		Y	Helpful
New sections “Exceptions to Clearing and Vegetation Removal Requirements” and “Revegetation Requirements”	X		Y	Helpful
Eliminate 15 foot buffer within the 25 foot buffer		X	Y	Conflicting ; confusing
New SZO map	X		Y	Outdated

1. Utility transmission and distribution lines and related equipment only, does not include towers (Bridgton has no towers in the shoreland zone).
2. Convert our 12 point system to the model DEP SZO 24 point system.
3. SP = Stream Protection, RP = Resource Protection, LR - Limited Residential, LC = Limited Commercial, CFMA = Coastal Fisheries and Maritime Activities. (LC and CFMA not part of Bridgton SZO)

Summary of Proposed Subdivision Regulation Amendments

Proposed Amendment	Must	May	PB Y/N	Why
Incorporate Multi-family dwellings into the Site Plan review standards and remove from Subdivision Regs	X		Y	Recently required by law; ease-of-use.
Delete smaller lot size standard for GD-I/II districts		X	Y	Legally problematic and redundant with SZO.
Delete curb cut standard		X	Y	Obsolete; covered elsewhere.
Update and clarify Design standards for streets		X	Y	Needs update; not to Town practice; some specs missing
Modify road width standard to 20 feet (from 18)		X	Y	Fire safety/ NFPA1
Delete buffers relating to buildings in SPRO downtown district for PUDs		X	Y	Obsolete; covered elsewhere
Modify dimensional requirements to prevent unintended high density subdivisions		X	N	Too substantive
Change abutter notification from 500 ft to 100 ft (matching SPRO)		X	N	Too substantive