

Overview of the Updated Zoning Ordinance Town of Boothbay, Maine

This overview provides a summary of the major changes embodied in the proposed Updated Zoning Ordinance. It is intended to provide a guide for reviewing the proposed ordinance. It does not address every change from current provisions. For the details of the proposals, please review the draft of the ordinance which is available on the Town's website.

Principal Objectives of the Update

- Bring the Town's Zoning Ordinance especially the land use districts into conformance with the adopted Comprehensive Plan as required by state law
- Improve the development review provisions
- Update the administrative procedures and performance standards that regulate various activities and uses
- Streamline the ordinance and make it more user friendly

Comprehensive Plan Conformance

The adopted Comprehensive Plan includes proposals for reconfiguring the land use and overlay districts. The updated Zoning Ordinance translates those proposals into land use regulations and a revised zoning map (see proposed map):

- Establishes enhanced standards for the Watershed Protection Overlay (WPO) District and the water reservoirs protection districts (WRP and WRP-27) to protect the public water supply
- Allows the reuse of the buildings along Route 27 near Adams Pond (WRP-27 District) subject to strict limitations
- Reconfigures the zones in the village center (Boothbay Village Center (BVC) and Boothbay Village Fringe (BVF)) to preserve the village character and allow more residential units if public sewerage is used and design standards are met
- Reconfigures the Route 27 commercial zones (Boothbay Village Mixed-Use (BVMU) and Commercial Corridor (CC)) to better manage access and require buffers along the road
- Creates scenic preservation zones (Scenic Gateway (SG) Districts) along the northern portion of Route 27 and part of Route 96 from Boothbay Harbor to East Boothbay village to preserve the rural character in these areas while allowing development
- Expands the Manufacturing/Business (MB) District that includes the industrial park
- Creates a separate village district for East Boothbay (EBV) to assure that development maintains the village character
- Establishes a mixed use district (RMU) to accommodate smaller commercial activities that do not need to be in high traffic areas

- Designates a Coastal Residential (R-C) District along the coast and in Ocean Point to better manage growth and change in these areas including provisions to protect the groundwater
- Updates the standards for the Shoreland Overlay (SO) District

Development Review Procedures

- Establishes the Code Enforcement Officer as the “gatekeeper” for projects requiring Planning Board review
- Updates the review procedures for nonresidential and multifamily development
- Creates two review processes – minor development review for smaller projects and site plan review for larger projects
- Creates a two-step process for site plan review – a site inventory and analysis and then a formal development plan
- The site inventory and analysis focuses on the opportunities and constraints for the use of the property and allows for early input by the Planning Board and public on the overall use of the property
- Also updates the review procedures for subdivisions and mobile home parks and creates a similar system of review for smaller and larger projects including a site inventory and analysis step for larger projects

Administrative and Performance Standards

- Changes the review of Planning Board decisions by the Board of Appeals from a de Novo review to an appellate review
- Updates the treatment of changes in nonconforming structures to be consistent with the state shoreland zoning guidelines
- Updates the shoreland performance standards to be consistent with the state shoreland zoning guidelines
- Updates the standards for mobile home parks to be consistent with state law
- Transfers responsibility for the oversight of timber harvesting to the state except in the Watershed Protection Overlay (WPO) District
- Establishes updated local standards for timber harvesting in the WPO District
- Revises the treatment of signs to be consistent with court decisions including allowing lit signs in the Commercial Corridor (CC)
- Requires the use of Low Impact Development (LID) approaches for managing stormwater
- Replaces the current “cluster development” provisions with new “open space development” provisions
- Updates many of the current performance standards using an “if it isn’t broken, don’t fix it” approach